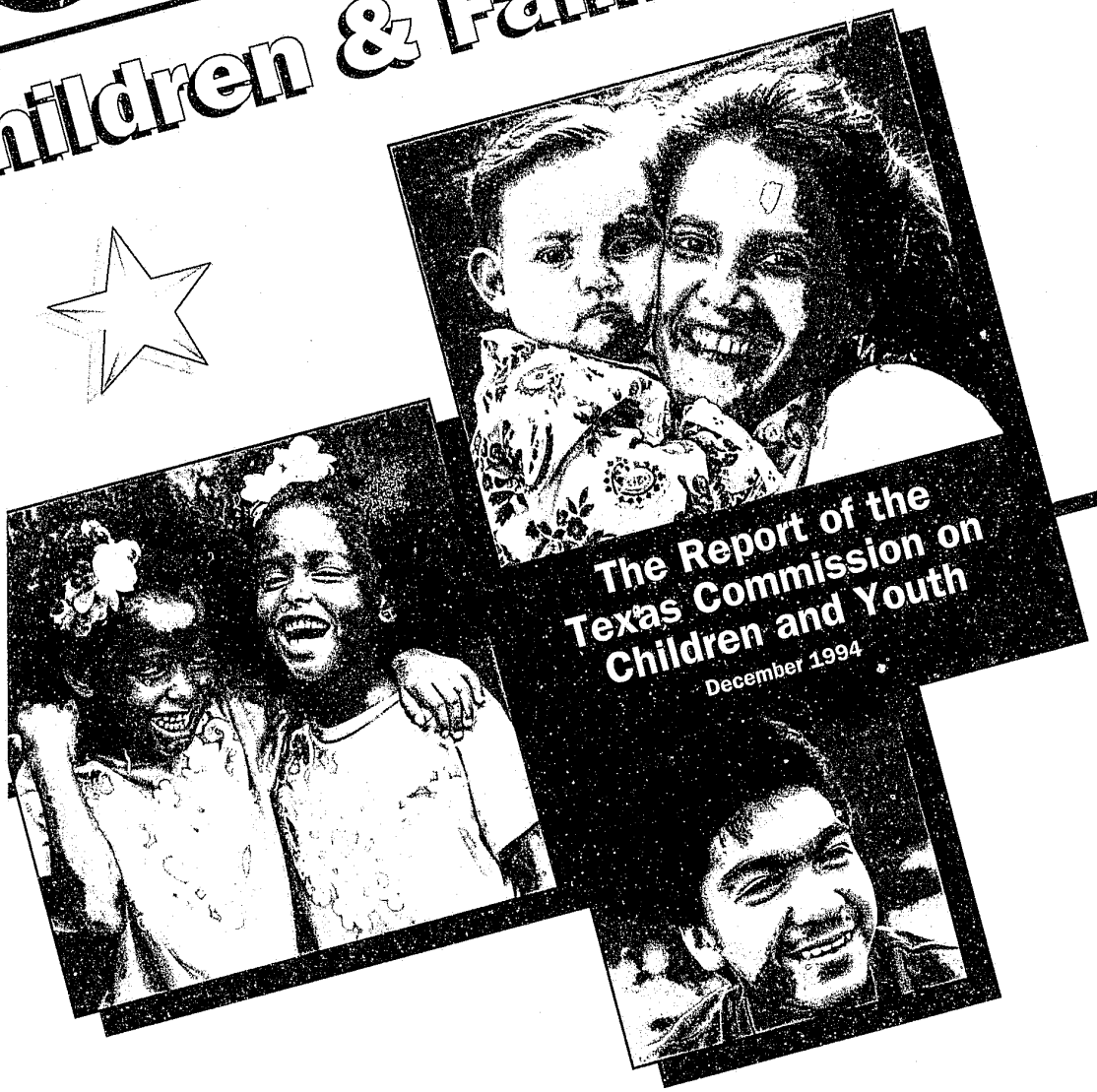
Safeguarding Our Future

Children & Families First



The Report of the Texas Commission on Children and Youth

December 1994

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Safeguarding Our Future

Children & Families First

The Report of the Texas Commission on Children and Youth

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TEXAS COMMISSION ON CHILDREN AND YOUTH

Senator Jim Turner, Chairman • Representative Allen Hightower, Vice Chairman

December 1, 1994

The Honorable Ann Richards, Governor
The Honorable Bob Bullock, Lieutenant Governor
The Honorable James E. "Pete" Laney, Speaker of the House

We are pleased to deliver to you the recommendations of the Texas Commission on Children and Youth. This report represents the most comprehensive look at the problems facing children that the State of Texas has conducted in over a decade.

The good news is that most children are growing up to become productive members of our society. The bad news is that an ever-increasing number are heading down the path to unemployment, substance abuse, welfare dependence, and crime.

We must refocus our limited financial resources to invest in prevention and early intervention at the front end, instead of relying solely on the criminal justice system to solve the problems at the back end. We must also leverage our state dollars more effectively to support the efforts of families and communities to provide children with the love, care, and concern they need to grow up to be healthy, productive, and law-abiding citizens. Finally, we must take the lead in forming new community partnerships among government, education, business, charitable organizations, and churches and synagogues to support children and families in Texas.

This report is our blueprint for safeguarding Texas' future by putting children and families first.

Sincerely,

Jim Turner
Chairman

Allen Hightower
Vice Chairman

Ginny McKay, Executive Director
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Train up a child in the way he should go.
And when he is old, he will not depart from it.

Proverbs 22:6

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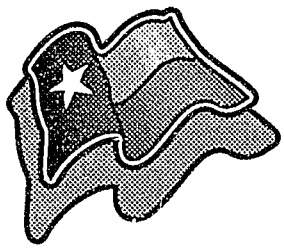


Safeguarding Our Future

Children & Families First

Introduction

SAFEGUARDING OUR FUTURE

"A child is a person who is going to carry on what you have started. He is going to sit where you are sitting, and when you are gone, attend to those things you think are important. You may adopt all the policies you please, but how they are carried on depends on him. He will assume control of your cities, states, and nations. He is going to move in and take over your churches, schools, universities, and corporations. The fate of humanity is in his hands."

Abraham Lincoln

Texas is in the midst of not only one of the most far-reaching criminal justice reforms in the nation, but also one of the largest prison construction programs in the world. At the same time, a new crisis looms on the horizon -- the alarming rise of violent juvenile crime. In Texas we have heard the wake-up call and the message is clear. No amount of reform and no amount of money spent on the adult criminal justice system will make a difference in the long term unless we can stem the flood of young people entering the system. We must consider the people we may some day incarcerate -- our children.

The message that lawmakers continue to hear, however, is not about our children. It is the public clamor for more prisons. People are tired of feeling afraid on their streets and in their neighborhoods, and the dramatic increase in violence among juveniles fuels their fear. All too often, the juvenile justice system fails to impose any meaningful consequences for delinquent behavior until it escalates into the most serious offenses. The whole system must be revamped to deter delinquency by promptly and significantly responding to first-time offenders and providing swift and certain punishment for violent and habitual offenders.

Texans are seriously addressing the problems of the adult criminal justice system. In only four years, state prison capacity will more than double, from 55,000 beds in 1992 to approximately 143,000 by 1996, with plans for 206,000 by 2001. Almost $2 billion in general obligation bonds have been authorized to build correctional facilities since 1987. The Texas Department of Criminal Justice's operating budget grew $931 million during the same period, from about $2.2 billion to $3.1 billion, and is expected to grow to more than $4 billion in fiscal years 1996-1997.

Despite these expenditures, the demand for prison space continues to grow. According to the Texas Criminal Justice Policy Council, one in 70 adult Texans will be incarcerated in a Texas prison by the year 2000, five times as many as in 1980. By the year 2000, Texas is likely to have the largest population under the control of the criminal justice system of any Western democracy, with 1 in 12 adult males on probation, in jail, in prison, or on parole. If we ever hope to

reverse these trends, we must get serious about preventing crime and rehabilitating and punishing juvenile offenders. The battle against crime and violence must be fought on the front end--in childhood and early teens--when character and attitudes can be shaped to produce productive, law-abiding members of society.

The simple fact is that a discerning elementary school teacher can spot many of tomorrow's prison population. We cannot afford to ignore the evidence that delinquency, crime and violence are often rooted in child abuse and neglect, poor schooling, and family violence. We know where troubled kids come from and we know where they are headed. A hostile, unhealthy environment can devastate a child's overall development, increasing the risk of physical, behavioral and learning difficulties. In some cases these effects are irreversible, leading to a lifetime of problems. All too often, they lead to juvenile and adult crime.

The forces contributing to increased violence, declining values and the rejection of individual and societal responsibility are inextricably linked. Every institution--the family, schools, churches, the media, the government--plays a role. Unfortunately, in recent years many of the institutions that have traditionally protected young people and guided them towards socially responsible behavior have deteriorated. Our sense of community has weakened and the safety net has frayed.

A generation ago parents could limit their efforts to their own children, instilling them with solid values and providing them with a good education. Today, our concern must be broader, because our children's future is affected by the future of all children.

Our state's children and youth are in trouble. We know that too many of them are poor, hungry or go without proper health care. Many are abused or neglected-- or simply don't get the attention and care they need to succeed. Texas has 4.8 million children--the second highest child population in the nation. The rankings below do not bode well for Texas' future.

- **Poverty.** Texas is among the top 10 states with the largest percentage of child poverty. For a family of four, poverty is defined as living on less than $13,359 a year (Texas Kids Count). One out of every four children in Texas lives in poverty. In Laredo, nearly half of the population under 18 lives in poverty (Sharp).

- **Health.** Texas ranks first, ahead of all other states, in the percentage of children with no health insurance. One out of every four children in Texas has no health insurance (Texas Kids Count). (This figure does not include the number of very low income children who qualify for Medicaid. It does, however, include a significant number of children whose parents are working, but simply cannot afford insurance.)

- **Child Abuse and Neglect.** In 1993, more than a quarter of a million children were involved in child abuse or neglect investigations. Confirmed cases of child abuse have quadrupled over the last ten years. In 1992 alone, 103 children died from neglect or abuse, but Texas is unable to provide services to 40 percent of the families in which abuse has been confirmed.

- **Teenage Births.** Texas ranks third in the nation in teen pregnancy rates. Texas leads the nation in the number of pregnant girls under age 15 (Texas Kids Count).
- **Education.** Texas has the nation's seventh-highest dropout rate. One-third of all children never complete high school (Sharp). Texas ranks 47th in the nation in the percentage of adults who can read and write (Committee on the Design of Apprenticeship).
- **Juvenile Crime.** The number of violent crimes committed by juveniles is increasing nearly twice as fast as the rest of the country (Texas Kids Count).

The future of Texas demands that we re-examine our priorities regarding children. The best way to help most children is to prevent problems from occurring in the first place. We must recognize the inevitable link between the neglect of our state's young children and the increased costs we pay in the long run. The following statistics underscore the importance of prevention.

- **Lack of Prenatal Care.** Women who do not get prenatal care are twice as likely to give birth to premature, low-birthweight babies. Premature babies are 40 times more likely to die in the first month (Hewlett).
- **Premature Babies.** Low-birthweight babies developmentally lag behind those with normal birthweights, often limiting them educationally throughout their lives. These babies are also three times more likely to have neuro-developmental handicaps and genetic abnormalities (Children's Trust Fund of Texas).
- **Family Violence.** Children who grow up in violent homes are six times more likely to commit suicide; 24 times more likely to commit sexual assault; 74 times more likely to commit crimes against the person; and 50 times more likely to abuse drugs or alcohol (Juvenile Justice and Family Violence: Making the Connection).
- **Dropouts.** Dropouts are six times more likely to be unwed parents; seven and a half times more likely to be dependent on welfare; twice as likely to be unemployed and live in poverty; and three and a half times more likely to be arrested (Texas Youth Commission Remarks to the Texas Commission on Children and Youth).

The needs of Texas' highest-risk children are not being met. The chart below illustrates the number of at-risk children who need and are eligible for prevention and early intervention services but are unable to obtain them.

SERVICE	AT-RISK CHILDREN NOT BEING SERVED
Women, Infant and Children's nutrition program	58 percent
Early Childhood Intervention program	65 percent
Head Start program	75 percent
Follow-up services for confirmed cases of child abuse	40 percent
Mental health treatment for children with severe emotional disturbance	63 percent
Shelter and counseling for runaway youth	94 percent
Substance abuse treatment	86 percent

Information obtained from the state agencies serving these populations

Our failure to help not only devastates individual children and families, it also hurts the state financially. The greatest cost is lost potential. Filling prisons instead of creating a highly-skilled, productive workforce jeopardizes the future of Texas.

The cost of failing to meet our children's needs is enormous. While exact costs are difficult to determine, the following estimates illustrate the problem.

- **Premature Babies.** Neonatal intensive care for low-birthweight babies can cost as much as $1,000 a day. Government-funded health care systems can save from $14,000 and $30,000 for each averted low-birthweight baby in the first month of life and $400,000 for medical care and special services over each infant's lifetime (Children's Trust Fund of Texas).
- **Dropouts.** Each year's class of dropouts will cost the nation more than $240 billion in lost earnings and taxes over their lifetimes (Committee for Economic Development). If all dropouts actually graduated, a study in Texas estimated that the state could potentially gain $17.5 billion in revenues (Texas Education Agency, 1993).
- **Substance Abuse.** Over the next two years, Texas will spend more than $100 million in state funds to treat adult prisoners for substance abuse. Meanwhile, in 1993 Texas spent only $852,000 in state funds on new programs to treat young people for substance abuse (Fabelo).
- **Crime.** Business Week estimates that crime costs Americans a stunning $425 billion a year. (This figure comes from analyzing the direct

and indirect costs of both property and violent crimes, from emergency-room care for victims to the price of alarm systems to the income lost by crime victims and their families.)

- **Schools/Prisons.** Eight years ago, Texas spent $7.36 on public schools for every $1 spent on prisons and public safety. Today, Texas spends $4.11 on public schools for every $1 spent on criminal justice (Ward).

As Texans, we must decide how we are going to spend our dollars earmarked for children. Do we want to continue paying the high cost of hospitalizing premature infants -- or do we want to provide relatively inexpensive pre-natal care? Do we want to pay for remedial education -- or provide quality preschool and early childhood education? Do we want to build more prisons -- or invest in a productive, tax-paying citizenry?

Meet Johnny. The following fictionalized account of the life of a typical inmate in the Texas Department of Criminal Justice (TDCJ) is a powerful example of the way we currently choose to address our children's problems. Johnny is 28 years old and is at TDCJ for the second time. His most recent conviction is for armed robbery. Johnny has committed serious crimes; he should pay the price. The question remains: How did Johnny end up in prison? Johnny's problems did not develop overnight; they began before he was even born. Here is Johnny's story.

> Johnny's mother was 15 when she gave birth to him. She had never seen a doctor before arriving at the emergency room; Johnny was six weeks premature and weighed under five pounds at birth. His mother dropped out of high school to raise him and began receiving public assistance. Johnny often went hungry. As a toddler, he was sickly but had no access to a primary care physician. His only medical care came from the emergency room when his illness was severe. His mother had an abusive boyfriend who periodically appeared in their lives. Johnny was often shuffled between relatives and foster care as his mother tried to cope with the many difficulties in her life.
>
> When he started kindergarten, Johnny had poor language skills, was hyperactive and had rarely seen a book. By second grade, he had been referred to special education due to developmental problems very likely tied to complications of being born premature and neglected as a young child. He was already having serious discipline problems. Johnny had to repeat the fifth grade. In middle school, he began to experiment with drugs and alcohol. Johnny finally dropped out when he began high school; he was on a sixth grade level in both reading and math.
>
> Johnny's first contact with the juvenile justice system came at age 14. He got picked up for shoplifting and placed on informal probation for six months. He continued to have run-ins with the authorities, and eventually got sent to juvenile detention, where he was finally placed on formal probation. While on probation he was arrested for burglary and was committed to Texas Youth

Commission (TYC). Ironically, after being sent to TYC, Johnny received a thorough medical examination, dental care and a nutritious diet for the first time in his life.

At age 17, Johnny was released from TYC after one year, only to end up three years later in adult prison for burglary. He is now in TDCJ custody for the second time--this time for a violent offense. At age 28, he has spent five years--half of his adult life--in prison.

Unfortunately, Johnny's story is not entirely fiction. It is based on statistics from TDCJ and TYC and on high-risk factors identified through various studies (Dryfoos). Sadly enough, this account represents the norm, not the exception. TYC reports that by age 21, more than one-third of all TYC youth have become involved in the adult corrections system. TDCJ reports that more than half of its current inmates are there for the second time. Once started, this cycle is difficult to break.

Beyond the human costs and lost potential associated with this story, Johnny's care also cost the state a great deal of money. Each biennium, Texas taxpayers spend billions dealing with the consequences of such behavior. Comparing the costs of reacting to Johnny's problems versus the cost of addressing Johnny's problems earlier on dramatically illustrates the difference between these choices.

- The cost of Johnny's premature delivery and hospitalization ($50,000) could have paid for his mother's prenatal care and provided Johnny with comprehensive private medical coverage until he was age 18 ($35,000), with money to spare.
- The cost of Johnny's foster care ($28,000) could have been avoided by enrolling his mother in Healthy Start, a child abuse and neglect prevention program targeted at high-risk families ($2,500).
- For less than half the cost of Johnny's involvement with the juvenile and adult criminal justice systems ($135,000), Johnny could have been enrolled in day care until age four, attended preschool for two years, been enrolled in after-school care until he was 12, allowing his mother to work, attended summer daycamp, taken part in youth recreation activities through the Boy's Club, and attended four years of college--room and board included--at a major Texas state university, all for only $60,000.

As we've seen, Texas does spend money addressing children's problems. The question we should examine, as Johnny's story suggests, is whether we could be spending our money more effectively. We must decide whether we will continue to focus the bulk of our scarce state resources on the back-end--the criminal justice system--leaving less and less money available to invest in prevention.

We must reshape our thinking and recognize the long-term potential of investing in the future of our children. At present, our state's fiscal decisions are based on costs projected for the next two to five years, rather than long-term costs and benefits. We must begin to make better funding decisions based on long-term effects.

Investing in our children's long-term potential will yield the greatest future dividends. To ensure that the state considers the long-term effects of its spending choices, the Commission recommends that the state embark on a new approach to budgeting--investment budgeting. This approach enables policy makers to consider investments that may not yield a return within the current biennium, but will pay off handsomely in the long run-- not only in dollars, but also in human potential (see Issue 10 for more details). Investment budgeting is a logical extension of recent efforts to refocus state budgeting around a strategic plan based on clear goals and performance measures. Together, these two approaches would ensure that we plan for what we want to accomplish, measure the success of various strategies, and look more objectively at investments that offer greater returns over longer periods of time.

In his 1994 report, *Forces of Change: Shaping the Future of Texas,* State Comptroller John Sharp asserts that human resources, rather than natural resources, will determine Texas' future prosperity. He calls for investing in human capital--the people of Texas--and most importantly, in educating and preparing Texas' children. Our refusal to plan ahead has finally caught up with us. Failure to act now will condemn the next generation to incur greater costs and lose more opportunities (Sharp).

Professor Dean Corrigan of Texas A&M University suggests that we all have a stake in our children's well-being. He points out that America now has both a shortage of young people and a rapidly-growing senior population. The ratio of Americans under age 18 to Americans 65-and-over has decreased substantially in the last 40 years. In 1950, there were 16 workers contributing to Social Security for every retiree drawing benefits. In 1960, the ratio was 5:1. In 1990, the ratio decreased to 3:1. By the year 2020, demographers predict that the ratio will be approximately 2.2:1.

Professor Corrigan warns that young people's success in getting a sound education and a good job will largely determine the fate of the aging middle class. If large numbers of students continue to drop out before the tenth grade and become dependent on welfare or low-wage jobs, Social Security revenues will be insufficient to protect retirees' benefits. As a result, Professor Corrigan points out that, in a very real way, the future of all Americans--both young and old--are inextricably linked.

We all want to find an answer to the problems facing our children. If easy, painless solutions existed, they would have been discovered long ago. Funding for human services in Texas has always been less than generous, despite growing recognition that our economic future is tied to the quality of our families' lives. University of North Texas economist Bernard Weinstein observes, "[I]f [Texas] has any aspirations to be an economic player at domestic and international levels, it must come to grips with our legacy of under-investment in human needs, particularly education, youth services and services for the poor." He argues that, "public expenditure can be pro-economic development. We have to learn that it either costs us now, or it costs us later" (Sharp).

To be sure, our state's ongoing crime problem will oblige the Legislature to continue appropriating large sums to build and operate new state prisons. Legislators must also substantially increase state spending on the juvenile justice

system. In the interest of our children, however, we must achieve a greater balance between state spending on prisons and juvenile detention facilities and state spending on prevention.

There are no quick fixes to the many problems which beset our children and youth. We must always remember, moreover, that the great majority of children and families in Texas are not in crisis. They may face more complex problems today than Texans did in the past, but they still manage to thrive and succeed. But as the members of the Commission learned, our society is failing too many of its children. Children are our most vulnerable citizens. Their success depends on how well we bring together the institutions of our society--government, education, and business, as well as community, religious, and charitable organizations--in a new commitment to safeguarding our children's future.

"Better guide well the young than reclaim them when old,
'For the voice of true wisdom is calling,
To rescue the fallen is good, but 'tis best
To prevent other people from falling.'
Better close up the source of temptation and crime
Than deliver from dungeon or galley,
Better put a strong fence round the top of the cliff
Than an ambulance down in the valley."

Joseph Malins, Poet
A Fence or An Ambulance

The Commission's Charge

In 1993, the 73rd Legislature enacted Senate Bill 155, which created the Texas Commission on Children and Youth. Senate Bill 155 required the Commission to develop a comprehensive proposal to improve and coordinate public programs for children and youth and included specific goals in the areas of education, health care, juvenile justice, and family services.

Governor Ann Richards, Lieutenant Governor Bob Bullock, and House Speaker James E. (Pete) Laney appointed the 18 members of the Commission in early 1994. In an effort to hear from parents, professionals, community leaders, and the children themselves, the Commission held public hearings in 12 communities around the state and visited many exemplary child and family programs. Nearly 450 individuals testified at the hearings, which were attended by more than 1800 people. Hearings were held in Houston, Huntsville, Laredo, Corpus Christi, San Antonio, Lubbock, Dallas, El Paso, Waco, Edinburg, Bryan/College Station, and Austin during the first half of 1994.

At the hearings, the Commission heard from many young people directly, as well as from parents, religious leaders, child care workers, teachers, counselors, administrators, social workers, peace officers, juvenile probation officers, district attorneys, judges, university professors and researchers. In addition, members and staff of the Commission reviewed a wide array of information about child and family issues and worked with state agency representatives and experts from various disciplines.

To make its task more manageable and to effectively examine the full breadth of the issues, the Commission divided into workgroups. These workgroups, consisting of Prevention/Intervention, Service Delivery, and Juvenile Justice, met several times individually to analyze their respective areas, and presented their findings at the full Commission meetings.

The Prevention/Intervention workgroup examined current efforts to prevent and successfully intervene in problems facing children and families in Texas. They designed the vision and agenda for the children of Texas and evaluated model programs that serve Texas families. The Juvenile Justice workgroup looked for ways to deter youth from crime, ensure that offenders face real consequences and make the juvenile justice system more effective. The Service Delivery workgroup analyzed the current system of delivering services to children and their families, and developed a proposal to increase local control and improve collaboration among the many players involved in helping children. Each workgroup was assisted by an advisory group consisting of experts in each field and other interested individuals.

Because members of the Commission believe that there is a spiritual dimension to solving the problems of children and families, the Commission sponsored an informal meeting with a diverse group of religious leaders from around the state to review and discuss possible solutions. The group agreed on the need to reach consensus on a common vision and a set of core values for children--including qualities such as trustworthiness, respect, responsibility, fairness, caring and citizenship. Participants also pledged to work together through their individual churches and synagogues to strengthen the role of religious organizations in supporting children and families throughout Texas.

Members of the Commission quickly realized that we could not adequately address the problems facing children and young people solely by changing the structure of services at the state level. Throughout our hearings and site visits, we saw that programs organized at the local level to meet local needs worked best. Our challenge was to find ways to encourage more communities to develop local solutions to their problems and to remove the obstacles--often created by federal, state, and local regulations--that frustrated individual communities from doing so. We also learned that many programs must be refocused on the family as a whole, instead of on individuals who meet some categorical requirement for funding.

We were determined to restore a sense of community and local commitment to addressing the problems children and young people face. The most effective programs we saw were local efforts which link a committed, caring adult with a child. Ideally, that adult is a parent. If not, it must be someone who will serve as a positive role model.

The Commission sought to produce a comprehensive report that addresses the immediate problem of juvenile crime, as well as the prevention and early intervention needed to stem the flow of young people into the juvenile and criminal justice systems. Members of the Commission strongly believe that the only real answer to rising juvenile crime is to address the many problems which place children at risk.

The Commission's Report

This report represents the Commission's efforts to balance the need for a much greater focus on prevention, a stronger response to juvenile crime and the need for increased community involvement in solving the problems facing children and youth. The Commission adopted its final recommendations with 17 "aye" votes and one "nay" vote, which was cast by Becky McPherson. Ms. McPherson expressed reservations about certain recommendations in the juvenile justice sections of the report. Representative Nancy McDonald qualified her "aye" vote by expressing concern regarding the state's fiscal constraints for the next biennium.

The first chapter, **For All Texas Children: An Agenda for Texas,** lays out the members' vision and guiding principles and sets out six key goals for efforts to improve children's services.

The second chapter, **Mobilizing Communities: A Strategy for Change,** outlines the Commission's recommendations for forging a partnership between individual communities and the state to improve services for children and their families.

The remaining six chapters contain the Commission's core recommendations for changes needed to advance the six goals set out in the "Agenda for Texas." These goals are:

Fostering stable, nurturing families;

Promoting healthy children;

Ensuring school readiness;

Guaranteeing school success;

Deterring youth from crime; and

Ensuring serious consequences for violent and habitual juvenile offenders.

Fiscal Impact of the Report

Members of the Commission recognized the tight fiscal situation facing the 74th Legislature and worked very hard to be fiscally responsible. The members struggled with the fiscal implications of recommendations aimed at addressing the many unmet needs of our state's children and families, knowing that sufficient remedies are simply not going to be available.

Long-Term. Recognizing these constraints, members of the Commission agreed on the importance of highlighting the most serious problems and building legislative and public support for investing more of the state's resources in children's services, especially in the area of prevention. Some of the most pressing needs are listed below, along with estimates of biennial costs associated with meeting them.

- Expanding health care coverage through Medicaid to a greater percentage of children of working poor parents would cost an estimated $157.5 million. This estimate is based on raising the income cap for eligibility to 200 percent of poverty (see Issue 13).
- Providing subsidized child care to the 96 percent of low-income families eligible for services as they move off welfare but for whom services are not available would cost an estimated $211 million (see Issue 22).
- Providing prekindergarten to the 36 percent of low-income children and children with limited English proficiency who are eligible for prekindergarten classes but for whom such services are not available would cost an estimated $222 million (see Issue 22).
- Expanding school-linked/school-based services to campuses where 90 percent or more of the students are considered at-risk. This would cost an estimated $8.5 million (see Issue 30).
- Providing dental services to the estimated 64 percent of children eligible for services through Medicaid but for whom services are not available or accessible would cost an estimated $120 million. This estimate is based primarily on providing additional state matching funds to access more federal Medicaid funds (see Issue 15).
- Providing family support services to the 40 percent of families in which child abuse has been confirmed but for whom services are currently not available due to lack of funding would cost an estimated $110.4 million (see Issue 4).
- Providing two hours per week of respite services to families with children with serious disabilities or medical needs would cost an estimated $12.6 million. This estimate is based on serving those families currently on waiting lists (many who have been on such lists for two to four years), but is only an approximate due to significant variations in respite care costs (see Issue 5).
- Providing mental health services to the 63 percent of children in need of publicly funded services but for whom no such services are available would cost an estimated $121 million (see Issue 16).
- Providing substance abuse treatment for the 86 percent of low-income youth in need of such treatment but for whom such services are not available would cost an estimated $123.6 million (see Issue 49).
- Expanding availability of runaway services to a majority of Texas counties, thereby increasing services to the 94 percent of runaway youth

and families for whom services are not available, would cost an estimated $5 million (see Issue 6).

- Increasing the level of supervision of and aftercare for youth released on parole from the Texas Youth Commission--no specific estimate available (see Issue 59).

On a long-term basis, the Commission strongly recommends that the Legislature give much higher priority to increased funding in the broad areas listed above, with the commitment of fully funding these services within the next five to ten years, recognizing that many of these items are investments that would actually save money in the long run. Although the state's fiscal condition significantly restricts the Legislature's ability to meet the above needs, it is worth noting that the total cost of meeting those needs (approximately $1 billion) equals the new funding required to run the state's criminal justice system for the coming biennium.

Short-Term. The Commission specifically recommends funding in three key areas for fiscal years 1996-1997.

The first recommendation is to provide $50 million to support local prevention and early intervention efforts aimed at helping children and families. These funds would provide matching grants to local Commissions on Children and Families and would help local communities provide early childhood prevention and intervention services (see Issue 1).

The second recommendation is to provide $25 million to make public schools safer. These funds would provide matching grants to local school boards and local juvenile boards that jointly develop alternative education programs for expelled students, keeping those youth off the streets in an educational setting but out of the regular school environment (see Issue 26).

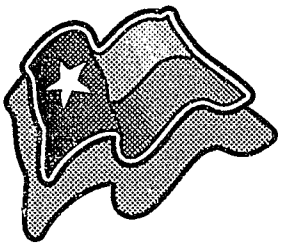
The third recommendation is to strengthen options for sentencing violent and habitual juvenile offenders. This proposal would expand the list of offenses for which judges can sentence serious offenders to the Texas Youth Commission (TYC) and allow TYC to request transfer of these youth to the adult prison system if they prove unamenable to rehabilitation. This would give such offenders one last chance at rehabilitation through the juvenile system, but would allow incorrigible offenders to be transferred to the adult prison system. TYC estimates that this change would require an additional 576 beds for fiscal years 1996-1997, at a cost of approximately $56.5 million (see Issue 52).

In addition, there are five other recommendations with fiscal implications for the state. Issue 18 would require the Texas Department of Health to establish a registry of children with lead poisoning, which would qualify Texas for certain federal grants, at an estimated cost of $130,000 per biennium. Issue 47 would require the Texas Department of Mental Health and Mental Retardation to provide services for children under age 10 who are arrested for engaging in delinquent behavior at an estimated cost of $8.35 million per biennium. Issue 55 would require the creation of a central repository for juvenile records through the Department of Public Safety at an estimated cost of $5 million. Issue 58 would expand the treatment and aftercare of capital offenders sent to the Texas Youth

Commission at an estimated cost of $1.34 million per biennium. Issue 61 would require the Texas Juvenile Probation Commission to enforce standards for local detention/residential facilities at an estimated cost of $70,000 per biennium.

Finally, Issue 23 would bring additional federal childcare funds to Texas by enabling the Texas Department of Human Services to receive an additional $22 million in federal child care funds for serving children whose low-income parents would be at risk of going on welfare if not for the partial subsidization of their child care services.

Overall, the short-term recommendations listed above would cost about $146 million in fiscal years 1996-1997 but would generate new revenues of about $22 million for the same period. This total reflects the Commission's effort to balance new funding for prevention and early intervention programs and the juvenile justice system. Altogether, these new funds for children and families represent a fraction of what the 74th Legislature is likely to appropriate for the adult criminal justice system, and would surely be a wise investment in safeguarding Texas' future.



Safeguarding Our Future

Children & Families First

For All Texas Children: An Agenda for Texas

FOR ALL TEXAS CHILDREN: AN AGENDA FOR TEXAS

"Our principles are the springs of our actions; our actions the springs of our happiness or misery. Too much care, therefore, cannot be taken in forming our principles."

Philip Skelton, Theologian

Too many children and youth in Texas live in conditions we would never wish for any child. One in four Texas children live in poverty, with hunger a constant threat for tens of thousands of them. Nearly one-quarter of children in this state have no public or private health coverage, instead relying on emergency rooms for their primary health care. One-third of Texas children never complete high school, signifying an inadequate preparation for entering meaningful jobs in the workforce. These conditions contribute to more and more youths' involvement in juvenile delinquency, with Texas' violent juvenile crime rate increasing at nearly double the rate of the rest of the country.

Texas children deserve better. Texas must make a commitment to honestly confront the problems facing children and their families and to make finding solutions to these problems a priority. During statewide public hearings, the Texas Commission on Children and Youth listened to the concerns and priorities that residents of Texas expressed about their children. It was clear that communities throughout the state are committed to improving the welfare of their children.

The Commission recognized that there was a need for a common vision for children to be shared by legislators, policy makers, advocates, and service providers. To this end, the Commission's Prevention/Intervention workgroup gathered advisors from around the state to help develop an Agenda for Children. The result of this effort, laid out in the following pages, includes a vision, principles and goals for Texas' children and families aimed at unifying and focusing efforts for improving conditions for children and families in Texas.

A Vision for Texas Children and Families:

TEXAS EMPOWERS FAMILIES AND COMMUNITIES TO ENSURE THAT ALL CHILDREN REACH THEIR FULL POTENTIAL

Strong families and supportive communities are the most significant influence on the well-being of children. To be effective, families and communities must be entrusted with the authority to decide what is best for their children. Ensuring that all children reach their full potential means that Texas must first recognize that all children have the potential to be productive, well-functioning members of society if given the opportunity to succeed.

Guiding Principles for Texas Children and Families

Despite the social, political and cultural diversity that exists in this state, there are certain underlying values and principles about children and families that most Texans share. The Commission decided that these principles should be formally articulated and then used as a framework for developing and evaluating public policy and for assessing the strengths of services and programs for children and families.

All children should be able to develop physically, emotionally, intellectually, socially and morally.

Many factors in children's lives, from before birth and continuing into adulthood, determine whether they develop the competence and character for productive, well-functioning lives. For children to develop fully, they require care and attention from loving parents and caregivers, enough food to eat, good health care, a quality education, adequate housing and a safe community.

The family is the best place for children to grow up.

Families should, and do, bear the ultimate responsibility for shaping children's behavior and value system. Whatever form it takes, the family remains the optimal environment for rearing children and providing them with their basic needs. Regular contact with extended family members can also be an important influence in the development of children's sense of security and identity. Children without families, or those with families unable to care for them, should be identified early and more quickly linked with a stable home environment.

All families and caregivers responsible for rearing children should get the support they need to care for their children.

Parents who have the knowledge, ability and means to raise their children will do so with love and care. However, many parents and caretakers, especially those who are young or poorly educated, often need help in creating home environments that are nurturing, supportive and safe. Parents should be assisted in responding adequately to the demands of childrearing and empowered to meet the needs of their families.

All children should have equal access to programs, with their culture respected and preserved.

Texas represents many different racial, ethnic and religious heritages. This diversity is a strength that should be celebrated and cultivated. The proportion of minority children in Texas is growing and by the turn of the century will make up more than half of all children in Texas schools. Policies and programs must be sensitive to the needs of children and families from various social, economic and cultural backgrounds and must provide equal access for all children in need.

Preventing problems is the best way to help families and children.

Study after study shows that investments in prevention are more effective and cost-efficient, in both human and financial terms, than later interventions. Texas can no longer continue to devote large resources to fixing the problems caused by neglect, deprivation and failure, and ignore the causes of these problems. An investment in prenatal care, immunizations, family support, and early childhood education can reduce later and far greater expenses for health care, special education, drug treatment, welfare and prisons.

Children and families who face special problems need immediate, appropriate and accessible services and support.

Unfortunately, some families are confronted with problems that hinder their children's healthy development and success in school. Communities should provide support and intervention when children are affected by abuse or neglect, emotional traumas, drug or alcohol dependency, juvenile delinquency or physical or mental disabilities. Every effort should be made to prevent these conditions from occurring, but when they do occur, assistance should be provided as quickly as possible.

Communities have a responsibility to provide safe environments for families with children.

To grow and thrive, children need safe homes and neighborhoods, free of violence and drugs. Children need to feel confident that their safety and security are protected. Too many children live in an environment where they cannot safely walk to school or play outdoors. Communities should be encouraged to initiate efforts to ensure a safer environment for all of their children.

All Texans must collaborate to meet the needs of children and families.

No single entity can fully address the needs of Texas children and families. It will require the commitment of time, leadership and financial resources from individuals, communities, religious groups, the business sector, non-profit agencies and local, state and federal governments. Working together, Texans can tackle the difficult issues facing their children and families.

Goals for Texas Children and Families

The vision and guiding principles provide the basis for comprehensive planning for children and families in Texas, setting the direction and tone for future policy development. The Texas Commission on Children and Youth has also defined six key goals that must be achieved to make the vision a reality. These goals apply to all children, spanning the period from birth through adolescence, and serve as the starting point in designing strategies and carrying out actions to improve the welfare of children and youth.

GOAL 1: All children will live in families that are stable, nurturing and supportive.

Whether children grow up to be happy, well-adjusted and productive citizens depends largely on their upbringing. When parents have children too early or raise them without adequate resources or support, the responsibilities may seem overwhelming. Essential tasks of earning an income and providing shelter and food can become stressful, affecting parents' ability to care for and support their children. However, even families facing extreme difficulties can overcome them if provided adequate skills and support. Every family deserves the opportunity to provide a loving and nurturing environment for their children.

GOAL 2: All children in Texas will be healthy.

Good health care is perhaps the strongest preventive measure that Texas can provide to its children. Poor health jeopardizes children's proper development and hinders their ability to learn and respond appropriately to their environments. Maintaining good health entails more than receiving appropriate medical care when sick; it also involves identifying potential health risks and responding to them before they become a problem. Lack of proper health care can doom a child to a lifetime of ailments and disabilities; access to good health care provides that child with the foundation needed to thrive.

GOAL 3: All children in Texas will enter school able to learn to their full potential.

Young children are naturally curious and full of adventure, willing to risk falling, then picking themselves up to try again. With these qualities, all children are capable of learning and should be given opportunities to learn from

an early age. Yet many Texas children have not been exposed to environments that stimulate their language skills or challenge their intellects. Moreover, children may start school undernourished, hearing impaired, with poor eyesight or with other health ailments--conditions that affect their potential for learning. Much of a child's later success is determined by his or her early childhood experiences. Every child in Texas deserves access to quality early child care that will help prepare them for a lifetime of learning.

GOAL 4: All Texas children will succeed in school.

Schools offer a common foundation for all children, giving them the basic education they need to be contributing members of the community. During their school age years, however, children can be influenced by many factors and distractions that can affect their school performance. All children have innate abilities to learn. This does not mean, however, that all children receive the attention and support they need to succeed in school. Children may fall behind in school because they are neglected at home, experience learning disabilities or suffer emotional distress. With proper identification of problems and adequate services to address their needs, these children can graduate from high school and gain the skills necessary to become productive members of the community.

GOAL 5: All Texas youth will be deterred from crime or face a significant initial response before their behavior escalates.

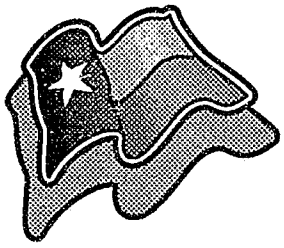
The best way to curb destructive and delinquent behavior is to prevent it from occurring in the first place. By giving children and youth outlets and opportunities that challenge and entertain them constructively, they can more easily be diverted from activities that will get them into trouble. Youth who develop a sense of self-confidence, are made to feel important and believe that they can make a difference are much more likely to act responsibly. However, for youth who break the law, the juvenile justice system must respond quickly to ensure that their misbehavior does not escalate.

GOAL 6: All young people in Texas who commit violent or habitual offenses will face serious and certain consequences.

Considering the dramatic increase in violent crime committed by chronic and habitual juvenile offenders, Texas must modify current statute and practice to ensure public protection and restore the integrity of the juvenile justice system. These changes will result in swift and certain consequences, increased accountability and a system more protective of public safety.

This Agenda for Children should serve as a starting point for better focusing community and state efforts around children. These efforts should include improved planning and budgeting and designing of programs and services to meet the variety of needs of children and youth in Texas. (For additional information, see Appendix A for a listing of possible indicators and strategies for each goal and Appendix B for ten key indicators of improvement in the lives of Texas children and families).

The remainder of this report first presents the broad strategy for achieving the six goals--mobilizing communities. It is followed by sections addressing specific recommendations for moving Texas closer to meeting each of the goals.



Safeguarding Our Future

Children & Families First

Mobilizing Communities: A Strategy for Change

MOBILIZING COMMUNITIES: A STRATEGY FOR CHANGE

Children, ideally, live in families, and families live in communities. Texans are clearly concerned when children in their own town are abused, use drugs or drop out of school. Community members want to become involved in solving those problems which affect them, their neighbors and their community's future.

Texans share common concerns for their children. The Texas Commission on Children and Youth heard the same themes repeatedly during the hearings held around the state in 1994.

- More and more children, young people and families need health and social support services.
- Many students need these services to succeed in school.
- The number of children who use drugs, drop out, join gangs and engage in other risky behaviors is rising.
- Juvenile crime has gone up significantly.
- If services are available, they are often inaccessible, fragmented, redundant or restricted by burdensome regulations.
- Preventive services which reduce the need for more intensive and costly interventions are not a priority.

Though communities across the state share these concerns, some communities face unique problems. Children's health is an issue throughout the state, for example, but health issues manifest themselves differently in the South Texas border communities than in the Panhandle. Communities need the flexibility and authority to respond to their own unique situations.

The testimony from the hearings suggests that individual communities know their specific needs as well as their resources. Unfortunately, the state's current planning and service delivery system often fails to make use of this knowledge. State agencies plan and deliver services to children and families largely independently, not only of each other and local governments, but also of religious, charitable and community organizations which are attempting to address the same problems. Moreover, many of the most critical decisions affecting the services available in individual communities are made somewhere far from that community.

Members of the Commission strongly believe that the most promising way to address the concerns voiced at the hearings is to give local communities more

authority to determine the needs of their children and families and to decide how to meet those needs. The Commission also believes that the Legislature should establish a mechanism to better coordinate the efforts of the state and communities, using the knowledge, resources and skills of both, to help create a better future for Texas children and families. To that end, the Commission supports the following key recommendations:

- Improve service delivery by increasing collaboration and local control; and
- Authorize counties to raise funds for child and family services.

ISSUE 1: Improve service delivery by increasing collaboration and local control

BACKGROUND

State policy-makers in Texas have long recognized that people with complex problems are often poorly served by the social service system. Various studies and reports over the past twenty years have identified problems consistent with those voiced at the Commission's hearings.

During the late 1970s and early 1980s, the Legislature reviewed the operation of the health and human services delivery system. Several studies examined the system's state-level structure and functions. One result was the formation in 1983 of the Texas Health and Human Services Coordinating Council to oversee human services coordination and policy planning. The Council was abolished in 1991. The 1991 Sunset Advisory Commission Final Report noted "the current structure of the Texas Health and Human Services Coordinating Council, the broad reach of its mandates, and the diverse number of projects it has been assigned have not allowed it to serve as a definitive and practical forum for the coordination of health and human services."

In 1991, State Comptroller John Sharp's Texas Performance Review (TPR) initiated a second effort to improve the service delivery system. It called for a significant restructuring of the health and human services agencies. After extensively modifying the original TPR proposal, the 72nd Legislature passed House Bill 7, which established the Health and Human Services Commission (HHSC). The HHSC was given primary responsibility for ensuring the delivery of health and human services with an integrated client eligibility determination system; maximizing state, federal and local funds; and emphasizing coordination, flexibility and local-level decision making. It was also given the mandate to improve coordination and delivery of children's services. Some agency and program reorganization took place, but the existing structure of independent boards remained intact.

Currently, the state agencies under the umbrella of the Health and Human Services Commission include: Texas Department on Aging, Texas Commission on Alcohol and Drug Abuse, Texas Commission for the Blind, Texas Commission for the Deaf and Hearing Impaired, Early Childhood Intervention, Texas Department of Health, Texas Juvenile Probation Commission, Texas Department of Mental Health and Mental Retardation, Texas Rehabilitation Commission and Texas Department of Protective and Regulatory Services. The Texas Youth Commission was originally under the HHSC but was removed by the 73rd Legislature.

In recent years, local-level children's coalitions have sprung up around the state. Though many of these groups are advisory, they play an increasingly important role in articulating community concerns to local and state government.

FINDINGS

Long-standing systemic service delivery problems persist.

- Fifteen state agencies, each with independent boards, serve children and families. In addition to those under the Health and Human Services Commission (some of which are minimally involved with children), the Texas Education Agency, Texas Youth Commission, Children's Trust Fund and the Communities in Schools program (administered by the Texas Employment Commission) also serve children. With the exception of the elected State Board of Education, the boards are appointed by the Governor. Agency chief executives are chosen by their boards, except for the Governor-appointed Commissioners of Health and Human Services and Education. This structure does not compel cooperation or participation among agencies.
- Authority and decision-making is centralized at the state level, and in most agencies is implemented through a regional structure. There are few formal linkages with communities.
- Federal and state programs and funding sources are categorical. That is, access to programs and the money which pays for them is tied to specific eligibility criteria (e.g., a precipitating event, such as a child's getting in trouble with the law or being physically abused or a characteristic, such as a disability or income level). This rigidity keeps many families from getting services if they do not meet the criteria, and limits the flexibility providers need to attend to the family as a whole.
- There is a lack of formal coordination between the public and private systems, and between state, local and private funders. Thus, the service delivery system does not efficiently benefit from the assets of each. At the community level, however, there is often a long history of cooperation between city and county governments, United Way and other charitable organizations and the private sector. State agencies may participate in such efforts to the extent permitted by their regulations and practice, but this is more the exception than the rule.

With ever-growing numbers of families needing assistance, Texas continues to be near the bottom in state rankings of funding for children's services.

- Texas seriously underfunds services to children and families. On most of the key indicators of child well-being, the state's children consistently do poorly. Not surprisingly, the state's per capita expenditures on programs designed to meet these needs are almost always near the bottom in state rankings.
- The majority of services provided are crisis intervention rather than prevention or early intervention. Rather than prioritizing services which support families and build on their strengths, the state tends to intervene in the most expensive and intensive manner possible, after problems have gotten out of hand.

- Increasing numbers of families need help. For example, the number of children on Medicaid increased from 907,718 in 1991 to 1.3 million in 1993.

The lack of effective cross-issue child advocacy limits efforts to influence policy and budget decisions, especially in the Texas Legislature.

- Advocates tend to organize around a particular issue or population. People concerned with children's status in Texas have long been urged to speak with one voice for a few high priority areas in order to have more impact. In recent years, efforts have been made to band together to form broader coalitions for children's issues with some success.

Many other states are moving towards increased local authority in service planning and delivery as a means of improving outcomes for children and families.

- New Mexico is encouraging the development of local Children and Family Councils to develop strategies to meet priority community problems, promote innovative service approaches, coordinate fiscal strategies and assess outcomes. Oregon has established county-based commissions on children and families to develop comprehensive local service plans and has given them authority to distribute state and federal funds.

- California, Colorado and Kentucky are creating new governance structures as a part of their school-linked initiatives to improve the education, health and well-being of children.

Increasingly, new federal funding is contingent upon states' willingness to assure interagency coordination and community involvement.

- In the social services arena, this concept is widely accepted. For example, the federal Family Preservation and Family Support Services Act of 1993, which is administered by the Texas Department of Protective and Regulatory Services, requires collaboration at both the state and local levels in providing preventive, family support services. The Community-based Family Resource Program Act has similar requirements and offers the incentive of federal matching funds for states willing to blend funds for such purposes.

- Education funding is also moving in this direction. House Resolution 6, the Elementary and Secondary Education Act Amendments of 1994, includes a new Title X which authorizes "coordinated services projects" to meet the educational, health, and social service needs of children and their families through community partnerships operating at or near a school.

- Other legislation, such as the Violent Crime Control and Law Enforcement Act of 1994 (the new federal crime bill), requires extensive community support and linkages between education, crime prevention and substance abuse programs, and law enforcement agencies.

Communities all over Texas have moved forward on their own in mobilizing and coordinating local efforts for children.

- The McLennan County Youth Collaboration, San Antonio 2000 and San Antonio Fighting Back, the Houston/Harris County Commission on Children and other similar initiatives have brought community attention to local concerns and priorities for children with great success.

- Other state-initiated collaborations, such as the Casey Foundation initiative in the Third Ward of Houston (a systems reform initiative), the Texas Children's Mental Health Plan (a statewide interagency effort to build community-based mental health services) and the Community Resource Coordination Groups (local interagency staffing groups for children with complex needs), among others, have been under way for several years and are strongly supported.

- Many communities have actively solicited parental involvement on decision-making bodies. Parental participation is important to understand community needs. Most state agencies have advisory groups which include parents but few boards include such representatives.

Important efforts to coordinate health and human services are under way which will benefit children and families. These efforts must be expanded to accomplish what is needed.

- The Health and Human Services Commission is moving forward with co-located services, an integrated database and eligibility pilots. It has also developed coordinated strategic plans and consolidated budgets across its member agencies and has been developing mechanisms to share information among agencies while maintaining client confidentiality. While these activities will benefit children and families, HHSC's activities specific to children have been limited.

- The state does not set common goals for children. There is currently no means to plan broadly and jointly across the entire spectrum of agencies concerned with children. Each agency develops its own strategic plan towards its own defined outcomes, with no recognition of the necessary participation of others. Key players, including the Texas Education Agency, the Texas Youth Commission, the Children's Trust Fund and Communities in Schools, are not formally affiliated with the Health and Human Services Commission. Texas Tomorrow, the state's long-range strategic plan, has no special focus on children and families.

- State agencies have generally been reluctant to blend funds with other agencies. This reluctance restricts the flexible and innovative use of funds. For example, because of limited funding and funding restrictions, agencies often serve only the most troubled or high-risk children. Thus, very little funding has been available to provide prevention or early intervention services to young children and their families, despite

the broad agreement that such services are essential to improve the social and educational prospects for these youth.

With prior approval from the Legislative Budget Board, the Health and Human Services Commission can transfer funds, with an annual limit, between agencies within its jurisdiction. Funds cannot be transferred to HHSC itself. However, several child-serving agencies and programs are not affiliated with HHSC. Therefore, the ability to transfer funds from these entities, if so desired, does not exist.

- On the whole, the state made little progress toward community involvement in decision-making. There are statewide examples of community governance in singular areas (e.g., juvenile probation boards, community management teams of the Texas Children's Mental Health Plan) but nothing which encompasses the broad spectrum of children's issues. The Health and Human Services Commission has created eleven regional interagency councils to facilitate planning. Thus far, these groups have worked on service co-location planning. In a state the size of Texas, however, other integrated regional functions would be appropriate and useful for communities.

RECOMMENDATION

Reform Texas' service delivery system by formally linking the state and individual communities, and moving more of the authority and decision-making in the planning and delivery of services to the local level by:

- **Encouraging the voluntary development of, and the support of existing, local Commissions on Children and Families on a county-by-county basis throughout the state to ensure greater local involvement in the planning and delivery of services;**
- **Requiring state agencies that serve children to work together under the leadership of the Commissioners of Health and Human Services and Education to improve outcomes for children in Texas;**
- **Establishing a Child and Family Legislative Oversight Committee to monitor the service delivery shift to the community level and the progress towards meeting the state's and communities' common goals for children;**
- **Developing a budget mechanism through the Health and Human Services Commission to blend state and federal funds to provide grants to local Commissions on Children and Families. The grants would be used for services which promote the social, emotional and physical well-being of young children and support families; and**
- **Authorizing the Legislative Budget Board to transfer monies to the HHSC fund referenced above at the request of the Child and Family Legislative Oversight Committee and the agency executives from the child-serving agencies.**

This recommendation would allow state government and individual communities, working together towards common goals, to best use their knowledge and resources to help families. Unlike previous efforts which focused more on state-level restructuring, this recommendation gives local communities greater authority and responsibility for the planning and delivery of services. The state's role would be redefined in service delivery to setting statewide goals and standards, establishing and measuring outcomes and providing necessary supports to communities. All of the essential players in children's services, including education, health, human services and juvenile justice, would be involved in the effort. Individual child and family outcomes and the community collaborative process would be jointly monitored and evaluated by the state and community to assure accountability.

A more detailed explanation of each of the recommendations follows.

COMMUNITY LEVEL Local Commissions on Children and Families

Role and Responsibilities of Local Commissions

Local Commissions on Children and Families would be set up on a county or multi-county basis to be the vehicle through which a broad spectrum of concerned citizens could work together to set priorities, mobilize resources towards common goals, integrate the service delivery system, evaluate results and incorporate and monitor necessary changes.

Local commissions would be voluntary and established by local initiative. The state would develop criteria for the chartering of commissions. Membership on the commission should reflect the diversity of the community. Only one application per county, or group of counties, should be accepted.

The major responsibilities of local commissions would include:

- identifying specific problems affecting children and families in their community;
- setting a local agenda and developing strategies to address community priorities and the state's essential goals for children;
- developing new services to meet family needs more effectively;
- mobilizing public and private resources;
- coordinating fiscal strategies to support the service agenda; and
- ensuring accountability.

Responsibilities and authority of individual commissions would evolve over time, based on performance. For example:

- The first level of responsibility may include assessing needs and resources; determining how public and private funds are spent locally; developing goals and a strategic plan; and recommending funding priorities to the state. Local plans should incorporate the service delivery values suggested by the Commission (see Service Delivery

Mission Statement in Appendix,) and should utilize proven, best practice models.

- The second level of responsibility may include stimulating collaboration among public and private organizations and recommending alternative delivery mechanisms and providers, including the possible privatization of certain functions. The state could require that local commissions review and approve all grant applications from local providers to state agencies.
- The third level of responsibility may include exercising final authority over specific programs or funds, while other program and funding decisions would be made in conjunction with the state and other funders as a part of the local plan.

Further refinement of these levels of responsibility would be done as the local commissions evolve over time.

In general, local commissions would not deliver services themselves, but would oversee the flow of funds to various providers. Models from other states suggest that local commissions could contract for independent case management to better serve the integrated service delivery system.

Because leadership at all levels is crucial to the success of service delivery reform, local commissions would be expected to identify existing neighborhood-level groups and foster the development of new groups, especially in neighborhoods with a high incidence of risk in key areas (e.g., poverty, teen pregnancy, low student achievement, juvenile crime). Eventually, those groups could advise local commissions on neighborhood needs and resources and participate in planning.

Local commissions would work with the state to develop benchmarks to measure success and ensure accountability. The state would be responsible for providing adequate technical assistance and an evaluation framework.

Membership of Local Commissions

The membership of commissions would vary locally, but should include at a minimum: parents; local elected officials or their representatives; administrators of public health, education, human services and juvenile justice agencies; charitable organizations which solicit contributions for health and human services; representatives of community-based organizations, and the business, civic and religious communities. Local commissions should represent the ethnic diversity of their community. Participation by service providers would be limited to less than half of any local commission.

In the past few years, many communities in the state have established collaborative groups focusing on children's issues. Some groups are concerned with a broad spectrum of children's concerns while others target single issues. If these existing groups are seen as effective by their communities, they should be allowed to expand their membership and reconstitute themselves as the local Commission on Children and Families. Accepting only one application per county will require all local groups to agree how to merge or coordinate their efforts.

For example, in a particular county the community management team of the Texas Children's Mental Health Plan may be well-regarded. The community management team could then serve as the foundation for the local commission in that community. The local juvenile probation, child welfare and school boards could agree to appoint one member each to the existing group, additional public members would be added, and other similar groups would either merge their activities or become a subcommittee of the commission. Each community would reach its own agreement regarding membership and the utilization of existing groups.

Incentives to Local Communities

The effort to establish and refine local commissions will involve volunteers, parents and professionals. Members of the Commission believe that the state should provide support and incentives to bolster these efforts. Such incentives could include:

Community mobilization grants.

- The state should provide modest grants to communities to help support their initial efforts to enlist the involvement of the community (e.g., neighborhood forums, volunteer recruitment) and preliminary planning activities such as needs/strengths assessments (staff support). These grants could range from $15,000 for counties with small child populations to $50,000 for high child population urban counties. The grants would be available for two to three years and would require a local in-kind or cash match.

Grants to promote early childhood well-being and family support.

- A new line item should be established in the Health and Human Services Commission budget for the distribution of grants to local commissions to develop services designed to promote social, emotional and physical well-being in early childhood and family support and family resource services. Based on local priorities, communities might choose, for example, to fund parenthood education for teen parents or establish a school-linked family resource center.

- New and existing state revenue, blended for this purpose, could be matched by the federal government under the Community-Based Family Resource Program Act. This recent legislation promotes the statewide development of family support and resource services and provides a 25 percent match (capped) on funds blended for this purpose. If so designated by the Governor, the blended fund could provide the state match to draw down the federal funds. If the federal regulations are written such that this fund cannot be used for the upcoming fiscal year, the Governor should take whatever action is necessary to bring in the federal funds.

- The blended funds would be distributed to local commissions through a formula based on county child population and per capita income.

- At the request of the Child and Family Legislative Oversight Committee (see description later in this section) and the agency executives, the Legislative Budget Board would be authorized to transfer specific monies from child-serving agencies into the blended fund.

More flexible and creative use of current resources.

- As local commissions better understand community needs and gain expertise in meeting those needs, they may propose alternative uses of current state funds and staff to promote efficiency or innovation. For example, a community could decide to use a single point of entry for children and families with multiple needs to maximize treatment resources and federal matching funds for services provided. Similarly, a community might seek to redirect flexible funds and treatment contracts to provide intensive intervention for abused infants and small children and their families. As local commissions mature, they should have more authority over the use of funds to meet local priorities within the state's broad goals for children.

Children's Resource Districts.

- If the Legislature authorizes individual counties to create Children's Resource Districts (see Issue 2) and communities approve local taxes for that purpose, the use of such local funds should be determined by local commissions.

STATE LEVEL

The 74th Legislature would adopt in statute essential goals for children (as described earlier in this report) which would encompass the promotion of physical and mental health, school readiness and school success, the reduction of risk behaviors in children and youth (including school-age pregnancy, substance abuse and juvenile delinquency) and the support of enhanced family stability (including the reduction of child abuse/neglect, family violence and child poverty). To meet these goals, the commissioners and executive directors of the following agencies would be charged with specific responsibilities, under the coordination of the Commissioner of the Health and Human Services Commission and the Commissioner of Education.

- Health and Human Services Commission
  - Texas Department of Health
  - Texas Department of Protective and Regulatory Services
  - Texas Department of Mental Health and Mental Retardation
  - Texas Juvenile Probation Commission
  - Texas Commission on Alcohol and Drug Abuse
  - Texas Department of Human Services
  - Interagency Council on Early Childhood Intervention
  - Texas Commission for the Blind

- Texas Education Agency
- Texas Youth Commission
- Texas Employment Commission (Communities in Schools)
- Children's Trust Fund

The activities of these state agencies would include the following:

- Establishing a system to support the development of local commissions throughout the state, including the elimination of administrative or regulatory barriers and the provision of appropriate technical assistance and capacity building.
- Developing a Blueprint for Children which includes short and long-range collaborative strategies across education, health, human services and juvenile justice to meet the state's essential goals for children;
- Defining common, cross-agency outcome measures for children and a system to evaluate results and piloting an investment budgeting approach to determine rates of return on expenditures (see Issue 11);
- Initiating strategies for refinancing children's services across agencies to ensure the most effective use of federal, state and local funds; and
- Reporting quarterly to the Child and Family Legislative Oversight Committee (as described later in this section) on the progress towards establishing and supporting local commissions, improving outcomes for children and responding to other issues as directed by the Committee. A joint report on the status of state and local efforts and progress towards the state's goals for children would be submitted to the Legislature, the Governor and the public each biennium.

The day-to-day responsibility for ensuring that these goals and responsibilities are carried out would be assigned to the Health and Human Services Commission. HHSC would be authorized to obtain staff support from the education, juvenile justice and health and human service agencies to help fulfill this task.

State level efforts could also be enhanced by the formation of a Children's Senior Staff Group, composed of designated senior policy staff from each agency. Senior staff of the child-serving agencies are involved in numerous single-issue interagency groups, many with similar goals. For example, the interagency state teams connected with the Community Resource Coordination Groups, the Texas Children's Mental Health Plan and the Casey Foundation system reform initiative are addressing similar issues and could easily be merged. With the state's commitment to planning across education, health, human services and juvenile justice, many interagency groups could be collapsed into one ongoing senior staff group with multi-faceted responsibilities.

Members of the senior staff would need to have significant knowledge of the service delivery system and its issues. but they could draw on other agency expertise as needed. This group would be chaired and staffed by the Health and

Human Services Commission and, to be effective, the participating state agencies would be expected to commit a key staff person to the effort.

Child and Family Legislative Oversight Committee

To maintain the ongoing input and participation of the public and the Legislature in the development and monitoring of this work, the Commission recommends establishing a Child and Family Legislative Oversight Committee.

Role and Responsibilities

The Child and Family Legislative Oversight Committee would:

- provide state level leadership on children's issues;
- oversee service delivery reform and the shift towards community-focused planning and service delivery;
- meet quarterly with the commissioners and executive directors of the state agencies charged in the legislation in order to review and monitor progress towards the State's Blueprint for Children and the efforts of local Commissions on Children and Families. In this forum, the group as a whole would constitute the Child and Family Executive Council;
- work to eliminate statutory and administrative barriers to the success of local commissions;
- project resource needs to meet the state's essential goals for children; and
- ensure that a system to maintain accountability to the public and to the Legislature is designed and implemented.

Membership

The legislative oversight committee would be composed of the following members:

- Six public members, three of whom are appointed by the Lieutenant Governor and three by the Speaker of the House, all for six-year staggered terms. These public members should have a demonstrated concern for children and families and should include representatives from the business, civic and religious communities, charitable organizations and parents.
- Three members of the Senate appointed by, and serving at the will of, the Lieutenant Governor for two year terms.
- Three members of the House of Representatives appointed by, and serving at the will of, the Speaker for two year terms.

The Child and Family Legislative Oversight Committee would be subject to Sunset review in the year 1999 to determine if there is a continuing need for its existence and whether changes are necessary to ensure that children's services

are being appropriately addressed. The majority of the health and human services agencies are under Sunset review that same year, providing an excellent opportunity for a thorough examination of the system as a whole.

The following activities are critical responsibilities of the state to support the development and success of local commissions:

Interagency Financing Strategies

- In recent years, Texas has made great efforts to maximize federal funds, including Title XIX Medicaid and Title IV-E Foster Care, among others. Refinancing efforts should continue with the goal of using federal funds to pay for services now financed entirely with state and local funds, freeing those funds for reinvestment in children's services. Financing strategies can redeploy funds to support desired service models--for example, from expensive, institutional placement to less costly community-based treatment. The decategorization and blending of funds will offer further opportunities to maximize funds. The state must continue its efforts in this area and share its expertise with communities.

Technical assistance and training.

- Communities will vary greatly in their familiarity with and expertise in collaborative planning and service delivery. The state should ensure that technical assistance is available as needed. The HHSC has recently convened a group of state agency and community participants, including the United Way and the Agricultural Extension Service, to begin planning a system to provide communities with technical assistance. Additionally, HHSC could serve as an information clearinghouse to distribute information regarding proven and best-practice service models to community planners.

- State and local policy-makers and planners could benefit from a mechanism, similar to the Criminal Justice Policy Council, which could analyze and synthesize child and family research for use in policy and budget development. This office would link state agency researchers and the Texas academic community to coordinate research activities and could be located within the Health and Human Services Commission, at an academic institution or at an independent policy research body.

Evaluation

- To monitor progress and ensure accountability, evaluation is critical. The efforts of local commissions will need to be tied to the state's essential goals for children, local priorities and the benchmarks upon which progress will be measured. Data will provide local commissions with the information necessary to evaluate their progress and the state with the ability to track changes within communities and across the state. The design of the evaluation system and the specification of the

resources necessary to implement it should involve local communities with state agency and university researchers.

FISCAL IMPACT

A new budget line item is proposed through the Health and Human Services Commission through which new and existing state and federal funds could be blended to provide grants to local Commissions on Children and Families for the following purposes:

- **To provide community mobilization grants to local commissions.** The number and size of grants would depend on the number of local commissions certified in the biennium and the capacity of the Health and Human Services Commission to support them. Depending on the level of response, the Health and Human Services Commission may require additional resources to provide adequate technical assistance and support to local commissions. The grants would range from $15,000 to $50,000 per year based on the county's child population and would be available for two to three years.
- **To initiate and expand existing services which promote early childhood well-being and family support.** There is a broad consensus that the state needs to begin investing in early childhood prevention and early intervention to reduce the costs of addressing later problems in older youth and adults, particularly in the criminal justice system.

The Texas Commission on Children and Youth recommends that the Legislature provide $50 million, through state and federal funds, to support community mobilization and early childhood prevention services.

Potential Funding Sources

Federal Funds

- **Community-Based Family Resource Programs Act.** The Act authorizes a 25 percent federal match on blended state funds used to develop networks of family support services. Texas may be eligible for $2 to $3 million in federal funds in fiscal year 1995.
- **Family Support and Family Preservation Act.** These funds, under the administration of the Texas Department of Protective and Regulatory Services, provide a capped entitlement for services to promote family stability and enhance parental functioning. The first round of family support funds will be distributed in the near future on a competitive basis to communities. The planning for future distribution could be done through local Commissions on Children and Families.
- **Title X of House Resolution 6, the Elementary and Secondary Education Act.** If Congress funds the Act, monies would be available to provide school-based or school-linked services through community partnerships. Local commissions would be appropriate partners for these grants.
- **Violent Crime Control and Law Enforcement Act of 1993.** The crime bill contains several grants programs (including the Community School and Youth Services grants, the Family and Community En-

deavor School grants, the Ounce of Prevention grants and the Gang Resistance Education and Training grants) which require community collaboration across law enforcement, education and social services. Many of the grants will be made from the federal government to individual communities. Local commissions would be appropriate applicants for such grants.

State Funds

- **Redirected existing state general revenue.** State general revenue from the education, health and human services and juvenile justice agencies could be directed to the blended fund to provide start-up grants to local commissions.
- **New general revenue.** A new appropriation could provide funding to local commissions for services which promote early childhood well-being and family support.

ISSUE 2: Authorize counties to raise funds for child and family services

BACKGROUND

Special districts are independent, limited-purpose local governmental units that exist as separate legal entities with substantial administrative and fiscal independence from general-purpose local governments. Special districts--providers of one or more public services financed and administered separately from other local governments constitute one-third of all local government entities.

Special districts offer an opportunity for providing important services in areas where financial capacities of local governments are constrained. The establishment of special districts may eliminate the need to increase the burden on general purpose governments, which may be unable to meet the fiscal requirements necessary to implement certain programs.

Voters must approve a constitutional amendment allowing the creation of a special district (for this purpose, known as Children's Resource Districts) and authorizing a district to levy an ad valorem tax. The voters of a district must approve the levy of a sales or property tax through an election held for that purpose.

FINDINGS

The creation of Children's Resource Districts would allow counties to voluntarily generate local revenue for their own priorities for children.

- In 1986 the Florida Legislature passed legislation allowing individual counties the discretion to create special districts for children. Counties in Florida which have done so have differed in their use of the funds. Some have supported a variety of services to at-risk or high-risk children and youth, while others have targeted a single priority (e.g., youth recreation activities).
- Some counties might be willing but economically unable to tax themselves further for this purpose.

Legislation has been prepared to submit to the 74th Legislature to approve a constitutional amendment permitting Children's Resource Districts by Senator Judith Zaffirini and Representative Leticia Van De Putte.

RECOMMENDATION

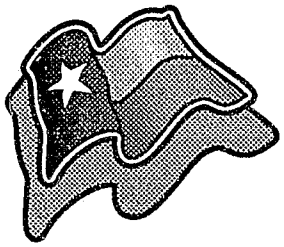
Authorize a statewide referendum for voters to approve a constitutional amendment permitting counties to form Children's Resource Districts which could levy ad valorem taxes to pay for children's services. Individual Resource District's taxing authority would be approved on a local-option basis.

- Designate local Commissions on Children and Families, if existing in such counties, as the entity authorized to plan and oversee the use of such funds.

This would allow counties the option of generating local revenue to provide services to meet their own priorities for children and families.

FISCAL IMPACT

There would be no additional state general revenue required. Local revenue would be raised only with the authorization of local voters.



Safeguarding Our Future

Children & Families First

Goal 1:

All Children will live in families that are stable, nurturing and supportive

GOAL 1: FOSTERING STABLE, NURTURING AND SUPPORTIVE FAMILIES

"The hope that is born anew in each child must be cultivated and nurtured."

Jonas Salk

Nurturing families provide the best environment for children to develop into responsible and caring adults. A child's physical well-being, self-esteem, and desire to learn and achieve are cultivated first and foremost in the family. Parents who create a stable home atmosphere and who tend to their children's emotional and material needs ensure a high quality of family life, providing the foundation for their children to succeed in their lifetime endeavors.

Some families, however, are ill-prepared to meet the demands of child-rearing. Many children grow up in volatile environments where abuse or poverty exist Those children who experience neglect or trauma at home often face difficulty in school and in their social relations. A demoralizing family life can result in behaviors and attitudes that limit them from reaching their full potential and from succeeding in ways that will fuel their confidence and sense of self-worth. The breakdown of the family unit can ultimately translate into a breakdown of a child's personal growth.

During the past few decades, families have had to cope with increasingly more stress. Higher numbers of school-aged parents, mothers participating in the work force and female-headed households have had a potent impact on the quality of family life. Parents who need to support their families are often unable to be at home when their children return from school or to be intimately involved in their children's education. A recent Census report reveals that only 50.8 percent of American families fit the definition of the traditional nuclear family--where both biological parents are present and all children are born after marriage. The phenomenon of the single-parent household has forced mothers (in most cases) to assume the myriad responsibilities associated with family life. These responsibilities can be emotionally, physically and financially overwhelming. Despite the best intentions, many parents, especially those who are young or poorly-educated, find themselves in situations where they face tremendous obstacles to meeting their children's needs. These families often lack support systems and resources in their communities that could help them to overcome these difficulties.

Traditionally, the government has become involved in family issues only after problems have escalated or after a crisis has occurred. Very little assistance is available to families in the early stages of child-rearing, when parents' ability

to provide stable and nurturing homes is most critical. Policies and programs need to be refocused on helping parents who contend with financial or emotional crises to temper the effects these conditions have on their children. Policies and programs affecting youth should be family-centered, considering the role of parents in addressing the needs of the state's youngest members.

The Commission supports Texas families in caring for their children through recommendations in ten areas:

- Parenting education programs;
- Services for child abuse and neglect intervention;
- Respite services;
- Services to runaways and their families;
- Continued protection and support of children when reforming aid to families with dependent children (AFDC);
- Children with disabilities or medical needs at home;
- Domestic violence;
- Impact of state policies and budgetary decisions on children's welfare;
- Family-friendly policies in the workplace; and
- The media.

ISSUE 3: Expand parenting education programs

BACKGROUND

While most parents are capable and responsible, some face difficult life circumstances and need assistance in providing their children with stable and nurturing homes. For parents who may lack basic skills or who have been abused or neglected themselves as children, successful parenting programs have shown to produce positive and consistent results, particularly in reducing the incidence of child abuse and neglect in highly stressed, low-income or teen-parent families.

Across the country, many states have implemented parenting programs in recognition of parents' vital role in ensuring children receive the care they need to be intellectually, emotionally and physically fit. These programs are intended to encourage a strong and healthy bond between parents and their children, which is a critical factor in determining a child's ability to succeed in school, learn positive social behaviors and develop confidence and a sense of self-worth. But for many children, especially those born to poor or teenage parents, the parent/child bond is tenuous. Many parents lack the support systems to guide them in successful child-rearing practices and the assistance they need to tend to their own lives, and subsequently, the lives of their children.

FINDINGS

A large number of teenage youth are having children but lack support systems that teach them successful child-rearing practices.

- Teens in the United States with below average academic skills and those from poor families are five to seven times more likely to become parents than teens with strong academic skills and those from non-poor families. Many of these parents face tremendous obstacles to keeping emotionally, physically and economically stable. For example, one-half of Aid to Families with Dependant Children nationwide goes to mothers who began having children as teenagers (Center for Population Research of the National Institute for Child Health and Human Development).
- Children of adolescent mothers score lower on standardized tests of language and intellectual functioning. They are more likely to exhibit behavior problems ranging from hyperactivity to poor impulse control (Texas Kids Count).
- Teenage mothers are also more likely not to be married. Today, 27 percent of all children under six are growing up in single-parent homes. Studies show that children in single-parent households generally score worse on measures of health, education and emotional/behavioral problems (Carnegie Task Force on Meeting the Needs of Young Children).
- In Texas, 140 counties experienced a rise in births to single teens between 1985 and 1991. During that period, 29 counties saw the teen birth rate at least double. Of those, 10 increased by more than 300 percent (Texas Kids Count).

Serious ramifications for children can result in homes where child abuse or neglect occurs.

- Being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53 percent, as an adult by 38 percent and for violent crime by 38 percent (Widom).
- Children who grow up in violent homes are six times more likely to commit suicide, 24 times more likely to commit sexual assault crimes and 50 times more likely to abuse drugs or alcohol (Juvenile Justice and Family Violence: Making the Connection).

Parenting programs have proven successful for many parents and children.

- Studies have shown that children whose families participate in successful parenting programs stay in school longer and attend school more consistently. This translates into these children being more successful in attaining higher education and securing meaningful jobs as adults. Other long-term benefits of parenting programs include reductions in health problems, crime, unemployment and time on welfare (National Governors Association).
- The National Governors Association evaluated a number of parenting programs nationally and found significant gains for parents and children enrolled in the programs. For example, the children whose parents had graduated from Parents as Teachers (PAT) were more advanced in language development than a comparison group. A follow-up study of these children as they completed first grade found that the effects of PAT held; PAT graduates scored higher than comparison children on reading and math achievement tests and their parents were more likely to be involved in their education. A 1991 evaluation of the program, by the Missouri Department of Elementary and Secondary Education, found that graduates scored significantly above national norms, despite being over-represented on traditional risk characteristics.
- The Maternal and Child Health Department in Hawaii reports that among families who participate in Healthy Start, a parenting program for high-risk populations, the incidence of abuse or neglect of children is less than one percent, compared with the 18 to 20 percent estimated among high-risk populations.
- A study of parenting programs in Texas by the Public Policy Research Institute at Texas A&M University shows that a number of program models have had a positive impact on children's development. The five models the organization evaluated were: CEDEN Parent-Child Program, Community of Caring, Nurturing Program for Parents and Young Children, Parents as Teachers and Practical Parenting Education.

  The programs were rated according to change in behavior, attitudes and knowledge of the parents. The programs all showed positive changes in at least two out of three categories evaluated.

Parenting programs take a variety of forms.

- Some programs emphasize health related issues, some education and others use a holistic approach. Most programs target low-income or teenage populations. Despite differences in service delivery and program emphasis, most programs share similar objectives of ensuring that:
  - parents recognize signs of child abuse and learn skills to prevent abuse,
  - parents understand how to tap into support networks and community resources, including schools and health clinics,
  - parents enhance their own skills, learning to set goals for both themselves and their children,
  - parents learn to encourage the stages of children's emotional, physical and academic growth and
  - parents learn effective methods for communicating and bonding with their children.

The state currently funds parenting programs through a variety of different channels.

- In Fiscal Year 1993-94, $12.4 million was spent from the Texas Education Agency's Compensatory Education Funds for Childhood Parent Education and Support Programs (mostly using the Practical Parenting Education model). The state also appropriates funds for the Children's Trust Fund (CTF), whose primary mission is the implementation of parenting programs. In fiscal year 1993, CTF awarded a total of $1.3 million to 45 parenting programs around the state. The Texas Agricultural Extension Service, an organization housed at Texas A&M University, offers parenting programs as part of a comprehensive family wellness mission. A number of state agencies such as the Department of Protective and Regulatory Services (PRS) and Texas Department of Mental Health and Mental Retardation (TXMHMR) also operate a variety of parenting programs.

RECOMMENDATION

Encourage local communities throughout the state to prioritize the expansion of parenting education programs.

- The Commission recommends new funding for additional services such as parenting education through the proposed local Commissions on Children and Families (see Issue 1). As local commissions are established, strong consideration should be given to the expansion of parenting education programs to address the tremendous needs of new parents. Expansion of such programs should greatly reduce the incidence of child abuse and neglect and help ensure a more positive parenting experience for the growing number of teenage, low-income parents. By flowing these dollars down to the local level, local communities can decide the program that best meets their needs, rather than having the state mandate or fund one specific approach.

FISCAL IMPACT

None. The fiscal impact to the local commissions is covered in Issue 1.

ISSUE 4: Increase services for child abuse and neglect intervention

BACKGROUND

The Texas Department of Protective and Regulatory Services (PRS) includes the Child Protective Services Program (CPS). The aim of CPS is to ensure the safety of children while promoting the integrity and stability of families. Protective services are child-centered and family-focused. They are designed to ensure that reasonable efforts are made to maintain children safely in their own homes, to reunite the family as soon as possible if removal of a child or parent is necessary and to assure permanency in an adoptive home or other permanent situation if parental rights must be terminated.

Some issues of concern for CPS are the increasing severity and complexity of family problems, the inability to quickly and effectively move children to permanency through the court system and caseworker burnout due to heavy caseloads and stress. CPS needs community and financial support to provide the necessary prevention and intervention services to effectively help children and families.

Risk Assessment

In 1993, after several years of research, development and pilot testing, CPS implemented a risk-based delivery system that gives staff a structured approach for assessing the risk of child abuse and neglect and provides a framework for determining the likelihood of abuse or neglect in the future and preventing incidents before they happen. By using a risk-based system for providing services, CPS is better able to identify children in need of protection and direct resources and efforts for those most in need of them.

Family Preservation

Family preservation services encompass a wide range of family-centered and community-based services, and are appropriate for families that have the potential to safely care for and manage their children. In Texas, PRS has worked to expand family preservation services for the last four years, with a major initiative resulting from the Texas Performance Review recommendation that family preservation would lead to cost savings in the foster care system. The family preservation movement has helped focus attention on the need for more significant early intervention before patterns of abuse are more ingrained.

The passage of the federal Family Preservation and Family Support Act has allowed PRS to expand its program and will support communities to develop these kinds of services. Family Preservation and Family Support Act funds will total about $75 million for Texas for fiscal years 1994-1998. States are required to provide 25 percent non-federal matching funds and use federal funds to supplement existing state funding. Although this funding will allow CPS to develop and expand family support and preservation services in communities, even these funds can meet only a small percentage of the existing need.

Foster Care

Once CPS determines that children are not safe with their families because of abuse or neglect, CPS staff work with the courts to obtain managing conservatorship of the children. Children are placed temporarily with others while CPS staff work with the families to make their homes safe for the children's return. Children may be placed with relatives, in foster homes or in child-care facilities during their stay in the foster care system. Approximately half of the CPS budget is expended on substitute care payments for the 24-hour care of children in PRS conservatorship. The substitute care population represents less than 10 percent of all children served in CPS.

Resources for child protective services are not adequate to effectively respond to reports of child abuse and neglect and provide appropriate services. Although efforts are being increasingly directed towards earlier identification of problems of abuse and neglect, children continue to go unprotected and staff burn out and leave from frustration and overwhelming caseloads.

FINDINGS

According to the Texas Department of Protective and Regulatory Services, 16.2 percent of Texas' children are at risk of abuse and/or neglect.

According to the 1992 article in the *National Institute of Justice* entitled "The Cycle of Violence," childhood abuse increases the odds of future delinquency and adult criminal behavior.

- Being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53 percent, as an adult by 38 percent and for violent crime by 38 percent.
- In addition, a cycle of violence perpetuates as abused children grow up to become abusive parents.

While expenditures for Child Protective Services for fiscal years 1991-1994 have significantly increased, from $238.6 million to $374.5 million, they have not been sufficient to keep pace with the increasing number and severity of the cases.

- According to PRS, increases in expenditures for Child Protective Services are attributable to the increasing number of reports and investigations of child abuse, the corresponding increase in the number of children and length of stay in foster care and the increasing severity of children's needs, requiring more intervention and comprehensive services.

The number of assigned cases of child abuse and neglect continues to increase, along with a corresponding increase in the number of children entering foster care. The average CPS caseload has also increased dramatically.

- Currently, CPS workers are only able to spend 85 percent of the minimum amount of time that is required to provide effective services to each client.

Fiscal Year:	Assigned Cases:	Children in Foster Care:	Average Cases Per Worker:
1991	113,737	8,475	23.7
1992	129,239	9,965	26.3
1993	132,883	10,880	26.1
1994*	143,799	11,787	28.2

**projected*

- From fiscal year 1989 to fiscal year 1993, 478 children died of abuse and/or neglect.

Because of limited resources, services beyond investigation are not being provided to more than 40 percent of those families who are believed to need them.

- According to the Texas Department of Protective and Regulatory Services, to serve the 40 percent of families determined to be in need of services beyond investigation that do not currently receive them would cost an additional $110.4 million in fiscal years 1996-1997 ($59.3 million in direct services and $51.1 million in purchased services.)

In at least 12 states, class action suits have been successful in bringing about reforms in their child welfare systems.

- These cases have generally been resolved through court settlements requiring states to limit workers caseloads to 20:1 and to increase appropriations to coincide with the number of abuse complaints and number of children in foster care (Child Welfare League). Current practices in Texas could place the system at risk of a similar suit against the CPS program.

RECOMMENDATION

Increase funding for Child Protective Services through the Department of Protective and Regulatory Services, as funds are available, to allow earlier and more comprehensive interventions.

- Given that services are not provided to 40 percent of those families who are believed to need them, and those provided with services are not receiving adequate levels, the problems of child abuse and neglect will not be solved overnight. The public in general does not understand why children go unprotected. Better awareness of the increasing burden on CPS should mobilize communities to help respond to this problem and further the Legislature's resolve to find resources. This is especially critical given the strong link between child abuse and neglect and later involvement in juvenile delinquency and adult crime.
- Increased funding should be tied to increased front-end services: more preventive and supportive services to families at risk of abuse and appropriate services to families at first contact with the system.

Support the continued work of, and funding for, the Court Appointed Special Advocates program in representing abused children.

- Appointed by District Judges, Court Appointed Special Advocates (CASA) are volunteers who help navigate abused and neglected children through the court system, work with families to identify needed services and quickly seek a permanent home for the at-risk child. When a CASA volunteer is assigned to a case, the time a child spends in foster care is reduced from 27.2 months to 15 months, representing a $70 million savings in foster care costs in fiscal year 1994.

FISCAL IMPACT This recommendation does not require any specific increase in funds; however, the Commission strongly encourages the Legislature to give high priority to increasing funding in this area in the next legislative session.

ISSUE 5: Expand availability of respite services

BACKGROUND

Approximately 96,000 children with developmental disabilities live in Texas. In addition, the Texas Department of Health reports that approximately 306,000 children in Texas have special health care needs. Many families are in need of respite services to help them care for these children.

Respite services are defined by law as "any support options provided on a short term basis for the purpose of relief to the primary caregiver in providing care to individuals of all ages with disabilities, and/or children or adults at risk of abuse or neglect." This definition was placed in state law in 1993 with the passage of House Bill 1551 by Representative Nancy McDonald.

The cost of respite services depends on the types of services offered and the level of disability of the child or youth. For example, in-home respite services can range from $5 to $25 per hour (for nursing functions). Facility-based respite services (camps, hospitals) can range from $10 to $30 per hour for skilled care. In comparison, the cost of full-time institutionalization can range annually from $17,300 for nursing home care to $275,000 for in-patient hospital care.

If respite services are continuously unavailable for families to assist them in caring for their child at home, there are only a few alternatives currently available in Texas. One is that the family can place their child in institutional care, such as state schools or nursing homes which can prove to be very costly to the state. On average, community-based respite services cost one-third to one-half less than full-time institutional care.

The issue of increasing state support for respite services is a two-fold problem. First, current funding for respite services and community-based programs is inadequate. The ultimate consequence is that families burn out and seek alternative placement for their children which is more costly in dollars and human terms. Second, Access to respite services through state and private agencies is difficult for families.

FINDINGS

Respite services are usually identified as the most critical need of families with children with disabilities.

- In a series of seven public forums across the state as part of a 1990 project for the Texas Planning Council for Developmental Disabilities, respite was ranked as the top need of families in a listing of the top ten service needs.
- In 1993, a survey of Texas families of children who are medically fragile indicated that respite was the most frequently and ardently voiced need. In fact, the need for respite was mentioned by families more than twice as often as the need for any other single service. Ninety-four percent of the total number of surveys were received from families who care for their children at home. Another interesting fact was that most parents reported spending considerable money out-of-pocket for special medical or other care needed by their children, depleting family funds that would have been available for respite.

A variety of agencies throughout the state offer respite services; however, almost all have long waiting lists, ranging up to two to four years.

- Options for respite services are limited by geographic location, funding source, diagnosis of disability and availability and accessibility of providers. For example, if a family requests respite services, the family may qualify for one of the following state programs, all of which have waiting lists, as indicated below:

Program Offering Respite Services	Waiting List
Texas Department of Human Services	
In-home and Family Support Program - based on family income and disability of individual	316 children ages 4-17
Medically Dependent Children's Waiver - based on medical needs of child	515 children
Community Living Assistance & Support Services Waiver (CLASS) - only available in certain geographic areas (primary large urban areas)	925 children
Texas Department of Mental Health and Mental Retardation	
In-home and Family Support Program	2490 children
Home and Community-based Services (HCS) available to families eligible for Medicaid benefits if family member is institutionalized	810 children

Because of limited funds, most community-based non-profit agencies offering respite services in Texas must limit the number of families served and the number of hours available to families.

- Some of these programs are specific to elderly citizens while other programs only offer respite services on specific weekends. In a random sample conducted in 1991 of community-based non-profit respite programs, it was shown that less than four percent of the program budgets for respite services were obtained from state/federal funds. The remaining 96 percent of funds were generated through community fundraisers, United Way and other private funding sources.

House Bill 1551, the Home and Community Support Services Act sponsored by Representative Nancy McDonald and passed by the 73rd Legislature. expands access to respite services by increasing the number of potential providers.

- House Bill 1551 allows the provision of certain health-related tasks by unlicensed personnel, by clearly defining what activities can be performed without delegation by a registered nurse and what activities can be performed with nurse delegation.

Including respite/protective supervision services in the Primary Home Care Program would allow respite to be a Medicaid-reimburseable option.

- The Primary Home Care Program, funded through Medicaid and administered through the Texas Department of Human Services, provides non-technical, medically-related personal care services to Medicaid clients whose health problems cause them to be functionally limited in performing activities of daily living. Currently, the state does not cover the cost of respite care for this program, meaning the caregiver must be present for supervision when the personal care services are being provided.

To provide two hours per week of respite services for children on the waiting lists would cost at least $12.6 million for fiscal years 1996-1997.

- This figure is approximate, since respite care costs differ greatly based on the needs of the child.

RECOMMENDATION

Encourage local communities throughout the state to expand respite services.

- New funding is being recommended for additional services such as respite services through the proposed local Commissions on Children and Families (see Issue 1). As local commissions are established, strong consideration should be given to the expansion of respite services to address the significant need for temporary, periodic relief in providing care for families with children with disabilities. Expansion of such services should greatly reduce the number of families that end up placing their children in institutions simply because they have no such support or relief. By flowing these dollars down to the local level, local communities can decide the program that best meets their needs, rather than having the state mandate or fund one specific approach.

Support the inclusion of respite/protective supervision as a service option for the Primary Home Care Program under Medicaid, as funds are available, and include RN delegation within this program.

- The addition of respite as a service would expand services to families caring for children with disabilities qualifying for Medicaid. Delegation by a registered nurse allows a nurse to give approval for non-licensed trained personnel to perform tasks that are typically considered nursing tasks. Inclusion of delegation by a registered nurse would allow respite and protective supervision providers to perform more services and tasks within this program.

Increase the number of providers who can provide respite services as follows:

- **Encourage Texas Department of Human Services (DHS) to revise its rules for the Primary Home Care Program to allow home and community support service agencies to provide the program's**

services, namely nontechnical medically related personal care. Prior to the inclusion of personal assistance and respite services in HB 1551, the only entities who qualified to provide care under the Primary Home Care Program in Texas were licensed and certified home health agencies. Now, with this inclusion, Home and Community Support Services Agencies providing personal assistance services will be licensed, thus providing the same services as the Primary Home Care Program. The current rules of DHS are more restrictive than the Home and Community Support Services Licensing Rules, thus limiting the provider pools within communities.

- **Encourage the Board of Nurse Examiners to increase efforts to educate its membership about the option of delegation by registered nurses for certain health-related tasks.** An increasing number of tasks may be nurse delegated to non-licensed trained personnel, but nurses often are not aware of this option. Efforts by the Board of Nurse Examiners to notify its membership about this practice would help de-medicalize the care of children with disabilities.

- **Encourage the Board of Nurse Examiners to continue to examine the many tasks that families are routinely performing for their children with disabilities as non-nursing tasks or tasks that may be delegated.** Allowing more health-related tasks (such as catherizations and injections) that are routinely performed by families to be performed either with or without nurse delegation expands the provider base for respite services.

- **Encourage the Board of Nurse Examiners and the Texas Department of Health to expand and clarify their Memorandum of Understanding (MOU) that lays out situations in which trained non-licensed personnel can perform health-related tasks without nurse delegation.** Certain procedures that are normally considered nursing tasks but are routinely performed by the family may be delegated to non-licensed trained personnel, but only by a Registered Nurse and only on an individual basis at the present time. The MOU should allow for respite and personal assistance non-licensed trained personnel to provide care for clients with permanently placed gastrostomy tube feedings without nurse delegation because those tube feedings are routinely being performed by families.

FISCAL IMPACT

None. The fiscal impact of funding for the local Commissions on Children and Families is covered in Issue 1.

ISSUE 6 : Expand services to runaways and their families

BACKGROUND

Running away from home is a youth's cry for help and is often only a symptom of the depth of troubles beneath the surface. It signals that this particular person is likely to be in a high-risk situation. Help is needed to get the youth through the immediate crisis and for the whole family to learn more successful ways of coping.

The Department of Protective and Regulatory Services is given, by law (Human Resources Code, Section 12, Article 4413(503), Revised Statutes), the responsibility to "operate a program entitled 'Services for Runaways and At-risk Youth' (STAR). This program provides services for runaways, truants and other children who are considered at risk of running away from home or at risk of suffering abuse or neglect and for the families of those children." The STAR program is operated through contracts with community-based non-profit service providers around the state who are required by policy to coordinate with local county probation offices. The STAR program provides 24-hour crisis intervention counseling, emergency shelter, brief intervention with families and coping skills education for youth and parents. Examples of other adjunct services provided by contract agencies include tutoring or alternative schooling, drug and alcohol abuse prevention services, health care, employment training, independent living services and access to other community services as needed.

The public funds paying for these services leverage considerable local and private monies; local match funds generated by contractors increase each year following initial funding. The program served 7,193 young people and their families in fiscal year 1993 at a current budget of $4.1 million. However, this represented less than six percent of the estimated number of runaways in the state.

FINDINGS

The number of runaway youth in Texas is increasing.

- According to an extensive household survey conducted in 1989 by the Department of Human Services, over 121,000 young people age 10 to 17 run away from home each year in Texas.
- Law enforcement agencies report that about a fourth of these (over 30,000 runaways per year) are apprehended by law enforcement officials. In 1993, the number of runaways picked up statewide increased about seven percent.

According to the Texas Network of Youth Services, running away places a child at great risk of involvement in more serious problems.

- A recent national study found that young people who run away and stay gone for even just a few days are at greater risk than non-runaways for suffering harm (mental, physical, theft or sexual abuse or molestation). It is also commonly recognized that runaways who remain on the streets are more likely to resort to criminal behavior.
- A wide range of studies have demonstrated that runaways are at greater risk for drug or alcohol abuse, school attendance problems, delinquent

behavior, survival sex, teen pregnancy, suicide, depression and numerous health problems including HIV/AIDS.

- Nearly all runaways report family conflict. Runaway shelters nationwide have reported that up to two-thirds of youth served ran away because of physical or sexual abuse by a parent. In some instances youth are pushed out of the home due to ongoing conflicts.

The services available for runaways throughout the state are not sufficient.

- Current funding allows for only 33 service contracts around the state. These contractors, responding to the needs of surrounding communities, have creatively expanded their services over the years to provide at least basic services in a total of 69 counties (using a system known as satellite sites, which include an actual part-time office in a neighboring county and outlying county sites, which are limited to services on an as-requested basis).

- The contractors typically do not have sufficient resources to meet the needs of their communities and 185 counties (nearly three quarters of the state) are, for the most part, without services through this program.

The STAR program has shown success in cost-effectively serving runaways, truant youth and other youth in at-risk situations.

- Over 60 percent of youth in this program were successfully returned home without the need for placement outside the home. The remainder require short term shelter while family reunification efforts and/or other interventions occur.

- Individual programs report an initial success of over 90 percent and, of the youth who could be contacted after a three month follow-up period, 66 percent reported they were still doing better.

A five-year plan proposed by the Texas Department of Protective and Regulatory Services would incrementally increase STAR service availability to 91 percent of Texas counties by the year 2000 and increase capacity and quality of services available from existing contractors. This plan would require $2.2 million for fiscal years 1996-1997 and an additional $2.9 for fiscal years 1998-2000.

RECOMMENDATION

Expand the STAR program statewide, as funds are available.

FISCAL IMPACT

This recommendation does not require any specific increase in funds; however, the Commission strongly encourages the Legislature to give high priority to increasing funding in this area in the next legislative session.

ISSUE 7: Ensure the continued protection and support of children when reforming Aid to Families with Dependent Children (AFDC)

BACKGROUND

Aid to Families with Dependent Children provides cash assistance to impoverished families with children. The Texas Department of Human Services (DHS) administers AFDC at the state level. In addition to cash grants, AFDC recipients are eligible for Medicaid benefits, the Food Stamp Program, the Special Supplemental Food Program for Women, Infants and Children (WIC) and certain limited employment and day care services.

To be eligible for AFDC in Texas, a family of three can earn no more than $2,208/year, or 17.5 percent of the fiscal year 1995 federal poverty level of $12,650.

According to *Texas Medicaid in Perspective* (State Medicaid Office), the income eligibility cap for AFDC has been increased only three times since 1970, with the last increase in 1985. The federal poverty level increases each year with inflation, meaning families must be poorer and poorer in real terms to be eligible for AFDC in Texas.

AFDC Appropriation for Cash Assistance. In fiscal year 1995, Texas will spend about $609 million for AFDC cash benefits, with $219 million, or 36 percent, coming from state general revenue, and $390 million, or 64 percent, coming from the federal government.

The AFDC Job Opportunities and Basic Skills Training Program. In 1988, the Congress passed the Family Support Act, which established the AFDC Job Opportunities and Basic Skills Training (JOBS) Program, creating education, training and support services for AFDC recipients. The JOBS program is currently only available in 87 of the 254 counties in Texas.

AFDC Child Care. The AFDC program provides two categories of DHS-administered child care:

- JOBS Child Care for children of parents on AFDC who are receiving job training; and
- Transitional Child Care available for one year after AFDC benefits have ended and in instances in which the parent is working.

Texas AFDC Participant Characteristics

- Approximately 277,000 households, totalling about 781,000 recipients, receive AFDC benefits.
- Approximately 546,000, or about two-thirds of AFDC recipients, are children.

- The average number of children for a household receiving AFDC benefits is two children. Almost three-fourths of AFDC households have one or two children.

- The following chart provides a percentage break-down of the amount of time that AFDC clients in Texas have been on AFDC since their most recent certification (noted as Latest Spell), and the total amount of time (noted as All Spells) AFDC clients have ever received AFDC benefits, based on fiscal year 1993 data. More than three-fourths have been on AFDC for less than 24 months.

Time on AFDC-Basic	Latest Spell	All Spells
1-12 months	61%	33%
13-24 months	16%	16%
25-36 months	7%	11%
37-48 months	5%	8%
49-60 months	3%	7%
61-72 months	2%	5%
73 or more months	6%	20%

FINDINGS

Texas provides a minimal level of support for the AFDC program.

- The Texas Constitution (Art. 3, §51-a) limits the amount of state general revenue that can be spent on AFDC grants to one percent of the state budget. Currently, less than one percent (approximately 0.85 percent)of the total budget is spent on AFDC grants.

- According to the DHS, Texas is a "low grant state." The maximum AFDC grant for a mother and two children in Texas is $188 per month, which is well below the national median of $367 per month for a family of three. Only two states provide lower benefits: Alabama, at $164 per month, and Mississippi at $120 per month for a family of three. In contrast, the State of Alaska provides the highest level of AFDC benefits nationally, at $923 per month for a family of three.

- Other states with higher grant levels may be able to fund innovative programs and welfare reform efforts simply by cutting the AFDC grant to offset its cost. Cutting the Texas grant by an amount sufficient to fund innovations or reform efforts would result in negative consequences for AFDC children.

Most AFDC clients eligible for the JOBS training program are not receiving services, due to a lack of available funding.

- Because of funding limitations and difficulties in engaging some AFDC clients in job training programs, only about 9.9 percent of AFDC clients non-exempt from consideration for job training are actually participating in the JOBS program. Non-exempt AFDC caretakers make up about

one-half of total AFDC caretakers. Caretakers may be exempt from consideration for the JOBS program for various reasons, including disabilities, illness, or caring for a small child.

Texas does not match all federal dollars available for the JOBS program, leaving millions of unmatched dollars in Washington each year.

- Expansion of employment training programs for AFDC clients would cost the state more in matching funds. The amount of unmatched federal JOBS funds for fiscal years 1994 to 1997 (projected) is as follows:

Fiscal Year	Amount of unmatched Federal JOBS dollars
1994	$19.3 million
1995*	$29 million
1996*	$41 million
1997*	$41 million

* projected

Proposed reform efforts of AFDC are occurring nationally and in Texas.

- On the national level, the Clinton Administration introduced a bill in Congress in fiscal year 1994 aimed at reforming AFDC. This legislation did not pass; however, it is expected to be introduced again in fiscal year 1995. Major components of President Clinton's proposed welfare reform include:
  - Two-year limits on AFDC benefits. During the two-year period, those receiving benefits would participate in job training programs. If after two years the recipient has not found a job, they would be placed in either a subsidized or unsubsidized full-time job and would receive a paycheck only for time at work.
  - A greater emphasis on pregnancy prevention and family responsibility. States would be given the option of limiting benefits for additional children. Each state would create a central registry for establishing paternity and child support collection.
- In Texas, Lieutenant Governor Bob Bullock has requested that the Office of the Comptroller conduct an in-depth analysis of AFDC reform possibilities for Texas, with a comprehensive report to be completed before the 74th Legislature convenes in 1995. It is expected that AFDC reform will be a key issue in Texas during the upcoming legislative session, particularly since reform on the national level has not been implemented.

RECOMMENDATION

Because a number of other efforts aimed solely at reform in the AFDC program are being developed, the Texas Commission on Children and Youth is not making specific recommendations in this area. The Commission has, however, defined several concepts to recommend for consideration in evaluating any plans to reform AFDC.

AFDC reform proposals should be evaluated based on their potential for improving the welfare of children.

- This could be accomplished, in part, through "Children's Impact Statements" (see Issue 10). If not designed and implemented appropriately, reform efforts could leave more families and children in need than there are today.

AFDC reform should promote self-sufficiency.

- Adequate opportunities should be available for all healthy and able-bodied adults on AFDC to receive education or training and move into the workforce.

Families should receive the support they need to end reliance on AFDC.

- Families receiving AFDC should have child care that both enables parents to work (or to receive the education or training they need to obtain work) and provides their children with high quality early childhood development experiences. Other support services such as Medicaid should be retained until the family can assume responsibility for these expenses.

FISCAL IMPACT

This recommendation does not include any fiscal impact. However, any reform efforts that go beyond cutting benefits to participants would cost the state additional money, even if additional federal dollars could be obtained.

ISSUE 8: Serve more children with disabilities or medical needs at home

BACKGROUND

Several agencies operate and/or license residential programs and facilities for children with disabilities. These facilities include nursing homes, state schools, large Intermediate Care Facilities and Department of Protective and Regulatory Services (PRS) residential facilities. Certain institutions are paid for by federal Medicaid funds with state matching dollars, while other residential services are funded purely by state general revenue. In Texas, the federal government currently pays 64 percent of every dollar spent on Medicaid and the state pays 36 percent.

Medicaid waivers for home and community-based services, referred to as 1915(c) waivers, are options available to states for providing services in homes and family-like settings to children who otherwise would live in institutions. These waivers allow children to leave institutional care or more importantly, to be diverted from ever entering institutional care. The Health and Human Services Commission (HHSC) serves as the lead agency in applying for Medicaid waivers from the Health Care Financing Administration (HCFA), the federal agency administering Medicaid. Federal regulation stipulates that Medicaid waivers must be cost-neutral; that is, waivers cannot result in the expenditure of additional federal funds above the level already expended for current institutional services.

The Medicaid Program traditionally has had an institutional bias, meaning services provided in institutional settings are covered whereas these same services are not covered in home environments. Thousands of families are currently on waiting lists for existing Medicaid waiver programs that serve children. Waiting lists exist because many families would prefer to receive services in-home, but Medicaid dollars are, for the most part, tied up in institutional care.

FINDINGS

Currently, Texas has four separate Medicaid waivers in operation related to children's services:

- The Texas Department of Mental Health and Mental Retardation serves about 1200 clients, both children and adults, through the Home and Community-Based Services waiver and about 40 clients through the Home and Community-Based Services - OBRA waiver, both waivers for persons with mental retardation.
- The Texas Department of Human Services serves about 600 clients, over half of whom are children, through the Community Living Assistance and Support Services waiver for persons with developmental disabilities other than mental retardation.

- DHS serves about 400 clients through the Medically Dependent Children's waiver (to be transferred to the Texas Department of Health next year) for children needing nursing services at home.

Thousands of families are currently on waiting lists for the four existing Medicaid waiver programs that serve children.

- Waiting lists exist because Medicaid dollars do not automatically or immediately follow a person as he/she leaves institutional care and because the demand for services provided under waivers is high. State dollars, which could be used as the state-match for Medicaid waivers, remain obligated for nursing home and facility fixed costs.

Certain fully state-funded services for children in facilities could be funded through Medicaid waivers, thus maximizing state funding by matching federal funds while serving children in family homes rather than institutions.

- For example, 381 children with disabilities reside in PRS residential settings and could be included in waiver services if they were placed in foster homes.

In general, in-home care is less costly and preferable to families than institutional care.

- Research has shown that children in Medicaid-funded institutions can, on average, be served more cost-efficiently in an in-home Medicaid waiver program (State Medicaid Office/Legislative Budget Board).
- Research has also shown that most families of a child with a disability prefer in-home services and would be willing to continue caring for their child with a disability at home if they could receive the necessary services in their own community (Texas Respite Resource Network).

RECOMMENDATION

Direct the Health and Human Services Commission to plan and oversee the expansion of Medicaid waiver programs as opportunities become available.

- Examine the feasibility of developing a comprehensive Medicaid waiver to provide a single, coherent system of long-term and acute care emphasizing community-based residential, daytime, and community support services.
- Identify and pursue waivers for fully state-funded services for children which could be funded through Medicaid waivers, including eligible children currently residing in PRS facilities.

FISCAL IMPACT

This recommendation has no fiscal impact. Medicaid waivers must be cost neutral. The state could save state dollars and draw additional federal Medicaid dollars if state-funded services are placed under Medicaid waivers.

ISSUE 9: Increase efforts to reduce domestic violence

BACKGROUND

Domestic violence has reached epidemic proportions in this country. In Texas in 1993 alone, 161 women were killed by their male partners, which was one of the largest number of such deaths in a single year in recent history (Uniform Crime Report). However, the cost of domestic violence may be measured in ways other than the price paid in human lives. For example, research has repeatedly illustrated that there is a connection between wife abuse and a high incidence of child abuse in families where battering is occurring, that child abuse increases the likelihood of juvenile delinquency and that domestic violence is passed on from one generation to the next.

Over the past 15 years, Texas has developed some of the strongest laws related to domestic violence of any state in the country. However, without full and consistent implementation of current law, strengthening of some existing statutory provisions, broad-based training and education for criminal justice personnel and better coordination of local policies and court practices, these laws have little impact on domestic violence.

Immediate intervention for victims is required as well as a criminal justice system response that consistently holds batterers accountable. Without such intervention and response, not only will the violence continue, perhaps to the point of being fatal, but children from violent homes will inevitably learn that violence is an acceptable behavior that could be emulated. According to *Family Violence: Improving Court Practice*, a report of the National Council of Juvenile and Family Court Judges, failure of the criminal justice system and the legal community to recognize domestic violence as serious criminal conduct will contribute to further victimization and violent behavior in future generations.

FINDINGS

A strong link exists between domestic violence and child abuse.

- Children in homes where domestic violence occurs are physically abused or seriously neglected at a rate 1,500 percent higher than the national average in the general population (National Woman Abuse Prevention Project).
- Seventy percent of the men who batter their wives also batter their children, making spouse abuse the single most identifiable risk factor for predicting child abuse (National Woman Abuse Prevention Project).
- According to a recent survey, one in five teenagers and one in six adult women reported that they had been abused while they were pregnant (Obstetrics and Gynecology).

Studies show that child abuse increases the likelihood of juvenile delinquency.

- Being abused or neglected as a child increases the likelihood of arrest as a juvenile by 53 percent, as an adult by 38 percent and for violent crime by 38 percent (Widom).

- Abused children are arrested by the police four times more often than non-abused children (Straus and Gelles).
- A comparison of delinquent and non-delinquent youth found that a history of family violence was the most significant difference between the two groups (Miller).

A cycle of violence and abuse is created through the use of violence in the home.

- Boys who witness domestic violence are more likely to batter their female partners as adults than boys raised in nonviolent homes (National Woman Abuse Prevention Project).
- Sixty-two percent of sons over age 14 were injured when they attempted to protect their mothers from attacks by abusive male partners (Roy).
- Sixty-three percent of boys ages 11-20 who are serving time for homicide killed their mother's abuser (Federal Bureau of Investigation).
- More than 80 percent of the male offenders in Texas prisons grew up in a violent home (Criminal Justice Center).

Due to the seriousness of these problems, the Lieutenant Governor created the Interim Committee on Domestic Violence on June 26, 1994 with the purpose of focusing attention on Texas' response to issues of domestic violence and stalking.

- The Committee will submit its report in December of 1994 with recommendations for the 74th Legislature.

RECOMMENDATION

The Commission on Children and Youth recognizes and is concerned about the seriousness of family violence, particularly as it relates to the likelihood of later juvenile delinquency and criminal behavior. The Commission is not providing specific recommendations in this area since the Interim Committee on Domestic Violence was created specifically to focus on this topic.

FISCAL IMPACT

None.

ISSUE 10: Consider the impact of state policies and budgetary decisions on children's welfare

BACKGROUND

Due to budget reforms enacted in the early 1990s, Texas has a unified and comprehensive system of strategic planning and performance-based budgeting for state government. As part of this budget process, every state agency must set clear goals and performance targets for what they want to accomplish for the people they serve.

During the 73rd Legislative Session, through the work of the Senate Interim Finance Committee, Senator Carlos Truan sponsored Senate Bill 1332, which carries performance-based budgeting a step further. This piece of legislation directs the Legislative Budget Board (LBB) to examine methods to identify and quantify the spending interrelationships among functional areas, agencies, goals, objectives and strategies. As part of this effort, the Senate Interim Finance Committee and the LBB investigated an interesting new technique in budgeting called investment budgeting.

Investment budgeting involves examining the long-term consequences of budget alternatives, looking beyond just the current two year funding cycle. This is especially critical for a valid consideration of services such as prevention which may be more cost-effective over several years, but may not show a return in the first two years.

Another useful decision making tool that has been used in recent years is an impact statement that clearly identifies the effects a proposed decision would have on a particular population.

FINDINGS

Investment budgeting builds on performance budgets by establishing the value of the outcomes government may want to achieve, estimating the unit cost of outcomes and calculating the return of investing to achieve these outcomes. Important features of investment budgeting include:

- A thorough understanding of the fiscal and policy landscape;
- clear visions and goals, and measurable outcomes that clarify desired results;
- estimates of the values of these outcomes;
- estimates of the unit costs of achieving individual outcomes;
- calculations of anticipated returns on investments in programs aimed at achieving these outcomes; and
- a ranking of high-payoff potential investments.

Investment budgeting does not replace other types of budgeting. Rather, it adds valuable information for the decision-maker about the costs and consequences of each choice. Investment analysis will often favor well thought out prevention programs over more costly crisis-oriented responses.

Investment budgeting enables government officials and the public to make more well-informed policy decisions. The National Academy of Public Administration expects that decisions based on investment budgeting would have the following effects:

- Decision-makers would shift resources from policies and programs that address problems in a general way toward packages of specific interventions that promote prevention.
- Decision-makers would increase discussion of the many programs and policies that do not produce high returns on investments. Jurisdictions would maintain them if their purposes comport with societal values.
- Government and providers would have increased responsibility for achieving outcomes and would be encouraged to involve individuals and communities.
- Decision-makers would continually improve policies and programs.
- Competition for investments would grow as whole new sectors of the economy seek to achieve specific benchmarks.

In addition, Impact Statements are useful in increasing accountability and identifying the benefits or disadvantages of proposed actions.

- The Texas Department of Human Services adopted for example, a Community Impact Statement in 1992 to be included on all board items related to persons with disabilities. Although the Texas Department of Human Services board must sometimes approve action items that are in conflict with the position statement on Services to Persons with Disabilities (such as providing rate increases to nursing homes) because of other federal or state laws or policies, the Community Impact Statement is a useful tool in strengthening board accountability and focusing attention on actions that may have negative affects on persons with disabilities.

Precedent exists to require Policy Impact Statements on legislative bills for various purposes.

- Any legislation or resolution that authorizes or requires a change in the sanctions applicable to adults convicted of felony crimes must be accompanied by a Criminal Justice Policy Impact Statement signed by the director of the Legislative Budget Board. The Criminal Justice Policy Impact Statement must outline the estimated impact of the proposed policy changes on the programs and work load of state corrections agencies and on the demand for resources and services of those agencies (Senate Rules 190, Rule 7.09(d)).

- Any bill or resolution that authorizes a change in the public school finance system must include an Equalized Education Funding Impact Statement signed by the director of the Legislative Budget Board. The Funding Impact Statements outline the estimated impact of the proposed policy changes on state equalized funding requirements and policies (Senate Rules 190, Rule 7.09(e)).

RECOMMENDATION

Statutorily direct the Health and Human Services Commission (HHSC) to pilot investment budgeting by tracking the cost effectiveness of certain children's prevention services, and submit a report to the Legislature by December 1996.

- Piloting investment budgeting is an important step in the direction of incorporating consideration of long-term returns into the budget process. This budgeting practice is a must in the private sector; business people would not make an investment without considering the rate of return. The public sector can no longer neglect the long-term costs and benefits of their investments. This is especially true in the children's services arena where prevention services are disadvantaged in the current budgeting process because most benefits are not realized until long after the end of the two-year budgeting cycle.
- HHSC is a logical state level body to pilot investment budgeting. It is an umbrella organization working with eleven state agencies. Part of HHSC's purview is to produce a consolidated budget and complete cross-agency examinations to identify methods for improving shared delivery of services. HHSC's budgeting and cross-agency responsibilities, combined with its weighted prioritization of preventive and early childhood services, make an investment budgeting pilot using children's services highly suitable.
- One area that could be examined as part of this pilot would be the impact of Texas's recent investment in increasing children's immunizations. The amount of data already available would facilitate the completion of a two-year pilot. If the pilot proves successful, the eventual goal would be to expand investment budgeting across all agencies. This would compel decision-makers to consider the long-term effects of their investments which in turn promotes efficiency and improved planning for the future of Texas.

Statutorily require the Health and Human Services Commission to develop a Children's Impact Statement, which would accompany all proposed legislation and policies affecting children.

- The Health and Human Services Commission should complete the children's impact statement for all proposed legislation and, with assistance from participating agencies, complete statements for proposed state agency board actions. Policies affecting children that are adopted by state agency boards for the Texas Youth Commission, the Texas Education Agency, the Children's Trust Fund and boards for state

agencies under the umbrella of the Health and Human Services Commission should be accompanied by Children's Impact Statements.

The Children's Impact Statement could include the following questions:

- Will this action increase/decrease the amount of money or level of services available for children and families?
- Will this action increase/decrease the number of children and families eligible for services?
- Will this action change the delivery of services?
- Will this action diminish barriers that families may face in accessing services?
- Will this action result in increased costs for other services?
- Is this action required by new or current federal law or regulations?

The Legislature and state agency boards should scrutinize the actions they take in regard to the impact the legislation, policies or funding decisions would have on children. The adoption of a Children's Impact Statement would facilitate this analysis and allow it to be applied and utilized across the Legislature and all agencies in a uniform manner.

FISCAL IMPACT

This proposal would have no direct fiscal impact on general revenues. It would, however, cost the state staff time necessary to develop and conduct the impact statements, but it is assumed this can be done within existing resources.

ISSUE 11: Support family-friendly policies in the workplace

BACKGROUND

The work force today includes more single parents and dual-income families than ever before. Additionally many aging baby boomers are assuming responsibility for their elderly parents and relatives. These demographic trends are expected to continue into the 21st century. Conflicts in balancing work and family responsibilities can cause workers to be absent from their jobs and perform at less than peak production levels. Private employers increasingly are being asked to assume a leadership role supporting families in the workplace, especially as government and non-profit social service programs experience cutbacks.

Welfare families pose a unique problem as they seek to leave the welfare rolls to achieve self-sufficiency. They may receive transitional day care services for a while, but eventually will need to be totally independent. These families would benefit significantly from employer support in balancing their work and family responsibilities.

According to the Texas Employment Commission, reduced productivity, absenteeism and turnover cost Texas businesses tens of thousands of dollars each year. Many of these costs can be traced to conflicts between employees' work and family responsibilities. By offering programs that support employees' needs to balance these responsibilities, businesses can improve their bottom line results.

FINDINGS

Growing family responsibilities are evident in today's workplace.

According to *The Changing Workplace* by the Families and Work Institute, in today's workforce:

- 50 percent of workers live in dual-earner families;
- 47 percent of workers have dependent care/caregiving responsibilities;
- 42 percent of wage and salaried workers have children under 18 living at home; and
- 18 percent of the workforce expects to be providing care for an aging relative in the next five years.

By the year 2000:

- nearly two-thirds of new entrants to the workforce will be women (Families and Work Institute);
- 35 percent of Americans will be over age 65 (Institute on Aging); and
- the population of Americans aged 85 and older (those most often needing care) will double.

Family responsibilities often affect workplace performance.

According to research compiled by the Texas Work and Family Clearinghouse;

- three-fourths of employees with children under 18 handle family matters during work hours; and
- 40 percent of working parents miss one day every three months to tend to family matters.

Recent studies show that work/family programs can reduce absenteeism and turnover.

- VIA Transit Authority in San Antonio credited their on-site child care center with 34 percent savings in reduced sick leave.
- Aetna reported their family leave program increased retention of their highest performers from 77 percent to 91 percent.
- Nationsbank found that turnover among participants in their child care programs was reduced by one-third.
- The average cost of leave programs was 23 percent of annual salary compared to 75 percent to 150 percent cost if the person was replaced (Families and Work Institute).

RECOMMENDATION

Encourage businesses, industries, non-profit organizations and the public sector to promote family-friendly policies in the workplace.

- The benefits of family-friendly programs to both business and its employees are becoming more recognized. By implementing such programs, employers can save money and employees can receive the help and support they need to stay in the work force and be productive. The Texas Work and Family Clearinghouse compiled a list of 50 services and programs employers can implement to support families in their workplace.

FISCAL IMPACT

The costs and/or savings of various family-friendly programs would vary depending upon the size of a business and the program chosen.

Fifty Things Employers Can Do To Support Families in the Workplace

Initial Steps

1. Assessment of employee needs, via a survey or focus groups
2. Organization of a work and family committee or task force
3. Training of managers/supervisors to be sensitive to work/family issues

Work Time and Work Place Policies

4. Flex-time
5. Compressed work week
6. Job sharing
7. Part-time employment (with pro-rated benefits)
8. Overtime flexibility
9. Family-compatible work schedules-predictable and flexible
10. Telecommuting/work at home

Leave Policies

11. Parental leave
12. Use of sick leave when children/spouse/elderly dependents are sick
13. Leave sharing (individuals)
14. Leave bank (annual or sick leave)
15. Leave for weather emergencies
16. Leave for school conferences and events/other family-related reasons
17. Bereavement leave

Information Policies/Programs

18. Published information on supportive family policies and programs
19. Positive family statements in company credo/objectives/strategic plan/annual report
20. Child care/elder care information & referral service
21. Child care/elder care handbook/guidebook
22. Seminars on parenting/"latchkey" children/aging and elder care
23. Prenatal education and monitoring
24. Library on parenting and aging issues
25. Working parents' newsletter
26. Information on dependent care tax credits
27. Seminars on "latchkey" children

This list is an adaptation of "Family-Oriented Policy and Program Options for Employers" by Jean D. Linehan, Assistant to the President and Manager, Work and Family Programs, The Bureau of National Affairs, Inc., Washington, D.C.

Telephone Access Policy

28. Telephone access for routine/emergency family calls
29. Telephone calls home from business trips

Counseling Policies/Programs

30. Employee assistance plans
31. Stress reduction seminars
32. Relocation assistance for working spouses
33. Family support services after workforce reductions or plant closings

Financial Support

34. Flexible benefit plans, including dependent care
35. Pre-tax salary reduction plans for dependent care
36. Employer negotiated discounts at local dependent care centers
37. Prenatal/neonatal/well-child health insurance
38. Reimbursement for extra dependent care costs for travel, night or overtime work
39. Support for "latchkey" programs

Child Care Services

40. On-site child care center
41. Near-site child care center, alone or with a consortium
42. Vouchers for slots in outside child care centers
43. Sick/emergency child care assistance
44. School vacation camps for children and youth

Other Policies and Programs

45. Recruitment interviews that address family concerns
46. Termination interviews to assess work/family needs/problems
47. Training for family day home child care providers
48. Donations, scholarships, volunteer efforts, fixtures, and supplies to dependent care providers/agencies
49. Get developers to include child care space where you rent
50. Advocate for positive work and family public policies at city, county, state and federal levels

ISSUE 12: Involve the media in serving the best interests of children

BACKGROUND

Through its portrayal of popular culture, the media profoundly influences children's behavioral development. Studies have shown that children's ability to distinguish between what is real and what is not real develops gradually, as does their ability to make judgments about the validity of cultural messages for their lives and personal conduct.

Television programming, advertising, movies and music often promote images that are violent, sexual and demeaning to women and other minorities, sending the message to children that these attitudes and actions are acceptable. If used responsibly, the media has the potential to educate children and expose children to positive role models and messages.

FINDINGS

The following statistics are from *Beyond Rhetoric*, the final report of the National Commission on Children.

Children and youth spend a large amount of time every day viewing television.

- An average six year-old watches almost 1 1/2 hours of television per day. By the age of three, children can identify their favorite television programs. In early adolescence, viewing reaches an average of four hours per day. In the teenage years, viewing levels off at two to three hours per day.

Children are exposed to a staggering number of violent and sexually explicit images through the media.

- In recent television seasons, children viewed more than 25 acts of violence per hour.
- Through both television and movies, teenagers are exposed to an estimated 3,000 to 4,000 references to sexual activity per year.

Studies conclude that violent images shown on television affect children negatively.

- There are several views on the effect of television on children. Some researchers have concluded that television violence causes children to have concern for their own personal safety and leads to subsequent aggressive behavior, especially among those who view television violence regularly and over long periods of time.
- In 1989, the American Academy of Pediatrics concluded that there was sufficient evidence to suggest that television viewing is one cause of violent or aggressive behavior. The Academy had further concerns over both the explicit and implicit messages being sent to viewers about the use of alcohol and promiscuous sexual activity.

RECOMMENDATION

Encourage communities to organize forums and workshops to encourage parents and children to develop critical television viewing skills.

Encourage local television stations to publicize positive activities available to young people and their families. Additionally, local media should provide expanded coverage of constructive youth activities, spotlighting successful schools, volunteers, school staff and programs.

Encourage local news to increase the publication of editorial opinions, news stories and videos written or produced by young people.

Encourage local television stations to sponsor community elementary and middle schools in order to encourage journalism careers.

Encourage local newspaper companies to provide free periodicals to community schools to teach analytical reading and writing skills.

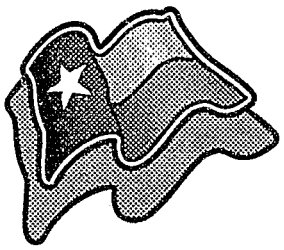
Encourage schools with Channel One to build curriculum around the provided material.

Encourage schools to explore creative ways to utilize Channel One equipment and materials for teaching media literacy and production.

Encourage local television weather stations to establish mini-weather stations in community schools to teach weather curriculum.

FISCAL IMPACT

None.



Safeguarding Our Future

Children & Families First

Goal 2:
All Children in Texas will be healthy

GOAL 2: PROMOTING HEALTHY CHILDREN

"...as a nation, we should strive to see that our youngsters have whole and healthy bodies and minds, not only because we are a compassionate people but because in this tough, competitive world of ours this country can afford no less."

Lloyd Bentsen U.S. Secretary of Treasury

Good health is pivotal to a child's development. From birth through adolescence, children's bodies are building the strength and resilience that will carry them through their lifetime. Proper health care during infancy helps ensure children will reach their maximum physical, psychological and emotional potential. The burden of poor childhood health can have consequences well beyond the childhood years. Conditions such as malnutrition, low birth weight, toxic contamination, decayed teeth and disease can inhibit children's growth process, affecting both their physical and mental vitality.

Most health conditions plaguing children, however, are easily preventable. Through regular prenatal, physical and dental check-ups, the most common ailments can be identified and easily remedied. But despite the numerous advances in medical technology, many children still do not receive the most basic care that they need.

Not surprisingly, those children with the greatest needs receive the least attention. Children living in low-income families or in impoverished communities often miss out on critical opportunities to receive consistent and well-monitored care in their early years. Inadequate prenatal care for mothers compounds the health problems many children face. In 1991, Texas ranked 49th nationally in percent of births to women receiving early prenatal care (Annie E. Casey Foundation). The incidence of inadequate prenatal or infant care has resulted in approximately 12 to 15 percent of all children being born at risk of developmental delay due to birth-related outcomes, poor nutrition, inadequate medical attention during infancy or poor environmental conditions (Children's Trust Fund of Texas). With 24 percent of all Texas children not covered by health insurance, many receive care in hospital emergency rooms, when their ailments have progressed to a severe condition and the costs of care have risen exponentially for their families and the state.

Access to health care across the country is widely acknowledged as inadequate and inefficient. Success in school and later in life becomes an impossible goal if all children do not start life in possession of their full physical capabilities. The Texas Commission on Children and Youth wants to improve access and provision of health care to children in Texas through recommendations in nine areas:

- Health care services for pregnant women and children;
- Public awareness about the importance of prenatal care;
- Access to dental services for low-income children;
- Services through the Children's Mental Health Plan;
- Residential treatment services to children with severe mental and emotional disorders;
- Childhood lead poisoning;
- Minors' access to tobacco;
- Access to nutrition services for federally-funded food assistance programs; and
- Wellness in public schools.

ISSUE 13: Improve access to health care services for pregnant women and children

BACKGROUND

Despite substantial increases in the number of Texans served by the Medicaid Program in the last few years, many children and pregnant women remain without any type of health coverage. The Governor's Texas Health Policy Task Force declared in its November 1992 report, "The health care problem in Texas which created the greatest concern to the Task Force was lack of comprehensive health care for children and pregnant women."

Who is currently served by Medicaid:

One in eight Texans (2.3 million people) rely on Medicaid for their health insurance. In 1993, $7.3 billion was spent on Medicaid in Texas. Over 64 percent, or $4.7 billion of the $7.3 billion total for Medicaid in 1993 were federal dollars (*Texas Medicaid Office*).

Children make up 56 percent (1.3 million) of the total persons served by Medicaid, but represent only 25 percent of total expenditures for Medicaid. Currently, Medicaid provides health coverage for approximately 14 percent of Texas children (*Texas Medicaid Office*).

Uninsured women under 185 percent of poverty can be covered by Medicaid for their pregnancy-related health care needs. Their coverage currently ends 60 days after delivery. This group of women made up six percent (about 146,000 women) of all persons in Texas Medicaid in 1993 (*Texas Medicaid Office*).

Medicaid eligibility for pregnant women and children is determined by the following income limits:

Population	Income Eligibility
Pregnant women	up to 185% of poverty
Infants under age 1	up to 185% of poverty
Children under age 6	up to 133% of poverty
Children born after Sept. 30, 1983 (age 6 to 11)	up to 100% of poverty
Children age 11 to 19	those income eligible for AFDC (18% of poverty)

Medicaid Enhancements/Initiatives:

Pregnant Women

States are required to provide services to uninsured pregnant women up to 133 percent of poverty. Texas opted to enhance coverage in this area to include pregnant women with incomes up to 185 percent of the federal income poverty level ($22,792 per year for a family of three). In 1993, the Texas Medicaid Program paid for 142,773 births out of an approximate total of 323,000, or about 44 percent of all Texas births.

Prenatal care services cost less than $1,000 per pregnant woman. While this may seem expensive, investment in prenatal care services saves the state in the long run. Prenatal care directly diverts costs associated with intensive care for a premature or small-for-age baby, which totals at least $1,000 per day for many days or weeks (Hamburg).

Early Periodic Screening, Diagnostic, and Treatment Program (EPSDT)

Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) services are children's health services provided to the Medicaid-eligible population under age 21. Federal legislation passed in 1989 (the Omnibus Reconciliation Act of 1989) requires states to remove the limits on Medicaid covered services for children when these services are medically necessary.

States must inform all persons under age 21 who have been determined to be eligible for Medicaid that EPSDT services are available. States must also meet a federal mandate that requires them to provide screenings to 80 percent of children eligible for Medicaid by 1995.

Senate Health and Human Services Committee

The Lieutenant Governor charged the Senate Health and Human Services Committee in the Spring of 1994 with evaluating options and making recommendations to change the Medicaid delivery system to achieve significant savings in the Texas Medicaid Program in fiscal years 1996-1997. The Committee is expected to release its findings by December 1, 1994.

FINDINGS

One out of four children and pregnant women in Texas have no health insurance.

- Texas has the largest percentage of uninsured children in the nation. Twenty-four percent of children in Texas ages 0-18 years are not covered by Medicaid or any type of private insurance, as compared to the national rate of 16 percent (Jahn, Smith and Warner).
- According to the Health Policy Task Force's report, one in four pregnant Texas women are not covered by Medicaid or any form of health insurance and one-third of Texas women receive no prenatal care during the first three months of pregnancy.
- More and more of the uninsured population are from families in where the parents are working but simply cannot afford health insurance.

Access to health services is a problem for many clients enrolled in the Medicaid Program.

- Less than half of all active-practice primary care physicians took at least one new Medicaid patient during a recent three-month period. Only 24 percent saw a high volume of Medicaid patients (100 or more).
- Medicaid reimbursement to physicians is low. For both Texas and nationally, Medicaid fees average 47 percent of private sector fees.
- Many doctors are resistant to serving low-income populations. However, it has been demonstrated that improving Medicaid rates increases

the likelihood that people will get services at doctors' offices, rather than much more expensive hospital emergency rooms and hospital outpatient departments. (*State Medical Office*)

- In rural Texas, provider shortages hinder access to primary and preventive care. Just having Medicaid or insurance coverage does not address the need for care. Texas has 141 counties designated as Health Professional Shortage Areas which are defined as areas experiencing a shortage of primary care physicians. Twenty-three rural Texas counties have no primary care doctor; 25 other counties have just one.

Having a single, consistent, easily identifiable place to obtain basic medical services in the community would greatly reduce the inappropriate use of emergency rooms for such care.

- According to the Texas Department of Health report entitled *Medical Home Concept for Women, Children and Families*, "To realize the maximum benefit of health care, each individual and family needs to be a participating member of a readily identifiable, community-based, medical home. The medical home provides primary medical care and preventive health services and is the individual's and family's initial contact point when accessing health care. . . . The providers in the medical home are knowledgeable about the individual's and family's specialty care and health related social and educational needs and are connected with necessary resources in the community which will assist the family in meeting those needs."

- The medical home offers several advantages including stability and continuity of care for quality services, proper utilization of health resources, potential savings in long term health care costs and reduction of inappropriate use of resources including emergency rooms.

Scholarship and loan forgiveness programs can attract health care professionals to rural or underserved urban communities, thereby expanding access to health services.

- The Center for Rural Health Initiatives, affiliated with the Texas Department of Health, offers two scholarship programs to assist rural communities in training and attracting health providers. The Outstanding Rural Scholar Recognition Program is a competitive forgiveness loan program which allows rural communities to sponsor individuals for study in any health care profession, including medicine, nursing, physician assistant, nurse practitioner, dentistry or allied health. The Community Scholarship Program supports students studying certain health care professions who are committed to returning to their communities upon completion of their primary care training. Eligible health care professions include physician assistants, nurse practitioners and third and fourth year medical students.

- The Texas Higher Education Coordinating Board offers a loan forgiveness program for primary care physicians who are already practicing in a health professional shortage area or are working for either the Texas

Department of Health, the Texas Department of Mental Health and Mental Retardation, the Texas Department of Criminal Justice or the Texas Youth Commission.

Some states are subsidizing medical insurance for children of low-income families through cigarette taxes.

- In Pennsylvania, those families with an income between 185 percent and 235 percent of the federal poverty level pay half the cost of coverage. The plan is financed by a two-cent-per-pack tax on cigarettes and covers about 30,000 children with both preventive and general medical care (Gordon).
- Minnesota adopted a major health reform program in 1992 that helps provide primary care for children and their families who do not qualify for other public assistance medical care. Children in families with incomes up to 275 percent of the federal poverty level can become eligible for coverage on an income-based sliding scale. Minnesota's five-cent increase in state cigarette taxes (Gordon).
- Texas currently collects 41-cents-per-pack in state taxes, for total revenues of about $637 million per year. If the state tax were raised by nine cents to 50-cents-per-pack, the state could raise total revenues of about $775 million per year, a $138 million increase. (Currently, the federal tax on cigarettes is 24-cents-per-pack.)

RECOMMENDATION

Prioritize the following considerations for improving access to preventive and primary health care services for pregnant women and children:

- Expand services to children and pregnant women first. A portion of any cost savings realized from reforms to Medicaid should be considered for funding expansion of health services to this population.
- Develop plans to reduce inappropriate use of emergency rooms and increase the establishment of medical homes for children and families.
- Bolster provider reimbursement for both EPSDT medical and dental screening services and funds for training to increase the number of nurses who can perform EPSDT screenings.
- Continue and expand scholarships and loan forgiveness programs for health care professionals that serve in rural or underserved urban communities.
- Consider increasing cigarette taxes to expand services.

FISCAL IMPACT

This recommendation does not require any specific increase in funds; however, the Commission strongly encourages the Legislature to give high priority to increasing funding in this area in the next legislative session.

ISSUE 14: Increase public awareness about the importance of prenatal care

BACKGROUND

In 1994, the Texas Department of Health (TDH) implemented a statewide campaign, Shots Across Texas, with the goal of immunizing 90 percent of all Texas children by 1996. The campaign included a state-level prime-time media campaign. To implement a statewide immunization initiative more widely and effectively, the campaign developed a broad-based coalition at the state, regional and local level. The local coalitions mobilized local community resources, including money, in-kind donations, publicity and volunteers. The immunization campaign ends in 1996.

Many public health problems facing children and families could be significantly reduced through increased public awareness of the problem and information on solutions to address these problems. The Shots Across Texas campaign developed a strong network throughout the state for disseminating information and increasing public awareness. However, there are no specific plans for its use beyond the current immunization campaign.

FINDINGS

There has been a significant increase in the number of immunizations administered statewide over the past year in Texas, due in large part to the public's increased awareness of the problem through TDH's Shots Across Texas campaign.

- Currently, the only tracking conducted to monitor the effects of the immunization campaign has been done through the public sector. According to TDH, the data reflects a 27 percent increase in the number of immunization doses administered for the first nine months in fiscal year 1994 over that same period in fiscal year 1993, and a 28 percent increase in the same time period in fiscal year 1992.
- However, this is only part of the picture because it does not include immunizations administered through the private sector. Texas A&M University is in the process of conducting a statewide household survey so a complete picture of the influence that the Shots Across Texas campaign has had will be available soon.

Prenatal care is another critical health care issue that could be significantly improved by increased public awareness of its importance.

- According to the Children's Defense Fund, in 1989, Texas ranked 48th in the nation, in the percentage of mothers who received late or no prenatal care.
- According to TDH's Health Bureau of Vital Statistics, in 1989, 33 percent of pregnant women received late or no prenatal care (late prenatal care is defined as second or third trimester). This compares to a national rate of 25 percent of pregnant women receiving late or no prenatal care.
- Research has shown that early and consistent prenatal care is a major factor in reducing low birth weights and infant mortality. Texas ranks

24th nationally in low birth-weight babies and 12th in infant mortality rates. Both of these indicators are associated with numerous other conditions that affect children with later physical, emotional and mental problems and have a substantial impact on the family and society. (Children's Trust Fund of Texas)

- An expenditure of less than $1,000 would provide a mother with the comprehensive prenatal health care needed to increase the chance of a normal birthweight baby. Neonatal intensive care for low-birthweight and premature babies can cost as much as $1,000 a day. Health care systems can save between $14,000 and $30,000 for each avoided low-birthweight baby in the first month of life and $400,000 over a lifetime for medical care and special services for each infant. (Children's Trust fund of Texas)

- Babies born without the necessary prenatal care are high-risk babies even after they come home from the hospital. They are three times more likely to have neurodevelopmental handicaps and genetic abnormalities than normal birthweight babies. (Children's Trust Fund of Texas)

RECOMMENDATION

Direct the Texas Department of Health to conduct a public awareness campaign on the critical need for prenatal care, utilizing the network of local coalitions developed as part of its Shots Across Texas immunization awareness campaign.

- A focus on the benefits of early and ongoing prenatal care, targeting low income areas of the state in particular, would help to decrease the number of low-birthweight babies and would help increase the number of expectant mothers who take proper nutritional and medical care of themselves.

FISCAL IMPACT

The cost of the prenatal awareness campaign should not be significant and, given that the local network has already been developed, it is assumed that it could be done within the existing resources of the Texas Department of Health.

ISSUE 15: Improve access to dental services for low-income children

BACKGROUND

Dental services are being delivered to poor children in the state by two programs: Medicaid, which serves children up to 100 percent of poverty; and a state-funded program, which serves the margin of children between 100 percent and 133 percent of poverty.

The two types of dental programs for children are operated out of the Texas Department of Health's (TDH) Bureau of Dental Health Services. The first program, called Early and Periodic Screening, Diagnostic, and Treatment (EPSDT), is the Medicaid program, which is largely federally funded and serves clients under the age of 21. Services are delivered by fee-for-service contracts with private dental practitioners who receive compensation at about 50 to 60 percent of usual billing charge. Out of the 9,000 dental practitioners in the state, only about 1,900 actively serve Medicaid dental patients.

The second program--the State Dental Program--is funded by the state for children through age 18 who are not Medicaid-eligible, but whose family income corresponds to the USDA's eligibility criteria for the school full-free lunch program (133 percent of poverty). Dental treatment services are provided through a diverse delivery system, including (1) four mobile dental units (three in the El Paso region and one in the Lower Rio Grande Valley area); (2) portable dental units, brought to schools for on-site care; and (3) fee-for-service contracts with private dentists. Approximately 22,000 children received care in fiscal year 1994 through the state program.

Total expenditures in Texas for dental services through TDH were $91.7 million for fiscal year 1994. The sources of funding were as follows:

Funding Source	Expenditure
Federal funding for about two-thirds of the Medicaid program	$56 million
State match of about one third for the Medicaid program	$32 million
Federal grants,i.e., health block grant, border states funding	$ 1.4 million
State general revenue	$ 2 million
Total:	$91.4 million

The federal and state dental programs together have maximum potential to serve approximately 30 percent of Texas' children. Currently, however, the programs are serving only a small portion of eligible children. The problem of providing adequate dental care to the children of Texas is two-fold.

First, services are not accessible to many children, especially in low-income areas. Second, relatively low-cost preventive measures have not been used to reduce the need for very costly crisis restorative care.

FINDINGS

Despite the existence of public dental programs, many eligible low-income children are not receiving care.

- Approximately 76 counties in Texas have no dentist who serves Medicaid or state-covered patients. The state has 95 counties that are considered shortage areas (areas that have less than one provider per 4,000 people). Consequently, only about 36 percent of Medicaid or state eligible children are actually receiving dental services.
- The shortage of dentists serving lower income children is primarily a result of two problems: private practitioners not given incentives or being adequately compensated for their services, and the lack of any organized program to facilitate practitioners reaching out to populations in need.
- Many children in need of care never visit a dentist's office. In some cases children do not have a dentist available to serve them or parents are unaware that their children are in need of dental care until oral disease becomes evident.
- Dental health is strongly correlated with socio-economic status. Nationwide, 65 percent of dental disease occurs in 20 percent of children. Twenty-three percent of all children six to eight years old have untreated decay, compared with 44 percent of low-income children.
- In an informal survey by the TDH's Bureau of Dental Health Services, school nurses in Texas rated dental problems as either the first, second or third priority need of students.

Public funding is used primarily for costly restorative and crisis treatment rather than for more cost-effective preventive care.

- The Bureau of Dental Health Services recommends that children be screened by their first birthday and that they receive yearly check-ups thereafter. These preventive services can reduce the need for expensive restorative care. For example, a sealant costs the state $16 a tooth. For tooth decay that has progressed into a large cavity, a filling is necessary, and possibly a crown, greatly increasing the cost to the state. If a tooth is allowed to become severely decayed, the child may need a root canal, at even greater expense to the state. In fiscal year 1993, the state spent $2.4 million under Medicaid on root canals.
- Another prevalent problem that occurs due to a lack of preventive care is a condition called Baby Bottle Tooth Decay, which occurs in infants who sleep with a bottle or who are fed too many foods that cause decay. An infant with this condition must be treated in a hospital, which costs about $1,000. Because this condition is primarily seen in impoverished populations, the expense is often covered by the state. According to TDH, in 1993 one in five infants in the Rio Grande Valley had Baby Bottle Tooth Decay, and 10,000 infants in the state had to be hospital treated under Medicaid, costing the public $10 million. This high incidence could be substantially reduced if parents were more aware of the problem, which is easily preventable.

New developments in preventive care are relatively inexpensive and have proven extremely effective in reducing oral disease.

- One of the most effective preventive methods for children is the use of sealants, which are virtually undetectable covers over the biting surfaces of the teeth. Sealants prevent decay that can lead to cavities and more serious maladies requiring surgery. A sealant costs approximately $22 a tooth and its protection could last a lifetime. Medicaid compensates dentists for sealants. Usually, no more than eight teeth in a person's mouth need sealing. Sealants are not currently as widely used as they could be because parents often wait until there is a problem before they obtain services. In a provisional analysis of second graders by the TDH in 1994, about 14.3 percent of students had the protection of sealants.
- According to TDH, the most effective group to target for dental services is second graders. Ninety percent of the children in this age group have permanent teeth that are just beginning to show up, and therefore have teeth that can be sealed before decay sets in. The second most effective group is eighth graders because around age 12 children receive their second set of molars, which can be sealed. This could be done with simple procedures at schools. Portable equipment for doing such screenings and preventive care in schools can be purchased for $7,000 to $8,000, and can be used for many years.
- One of the most cost-effective measures that can be taken to improve dental health is to fluoridate the water supply. Many states mandate that the water supply be fluoridated. In Texas, 26 percent of the water is naturally fluoridated and 56 percent of the water has fluoride added. However, there are a number of Texas cities that have not flouridated their water, including San Antonio, Abilene and Texarkana. The cost of fluoridating water is approximately 25 cents per person per year, not including the initial cost of equipment.

RECOMMENDATIONS

Statutorily require the Texas Department of Health to develop a plan for increasing the accessibility of dental services to children in Texas, especially those currently eligible for but not receiving preventive dental care under Medicaid.

The plan should explore:

- the extent of services needed to reach all eligible children;
- expansion of school-based services for early diagnostic screening;
- better utilization of preventive care;
- the most appropriate age to target for preventive services;
- the need for additional equipment, e.g., mobile units, portable equipment, computer technology, etc.;
- a program to involve private practitioners in meeting children's dental needs, possibly including increasing compensation for services, forgiv-

ing school loans, 40 hours per year of mandatory service to EPSDT/state-eligible children and a formal structure for bringing dentists to the schools;

- fluoridating all major water supplies; and
- significantly reducing the high incidence of Baby Bottle Tooth Decay.

The plan should be developed through existing TDH resources, possibly through the assistance of a special task force appointed by the TDH board. The plan, including a budget, should be completed by September 1, 1996 and submitted for consideration in the 75th Legislative session.

FISCAL IMPACT

The costs of developing the plan should be done within the existing resources of Texas Department of Health.

ISSUE 16: Expand services through the Texas Children's Mental Health Plan

BACKGROUND

Texas has a great need for expanded mental health services for children. The Texas Children's Mental Health Plan has been successful and cost-effective in fulfilling a good portion of that need, but does not currently have the resources to adequately meet the tremendous mental and emotional health demands of children in the state.

The Texas Children's Mental Health Plan (TCMHP), begun in 1991, was established to address the needs of children and adolescents with behavioral, emotional and psychiatric disturbances. The TCMHP is family-focused to address the services necessary for the child to safely remain in his/her home or school and to participate in the community. Planning and implementation are determined on at the local level through a team of local representatives from all of the major state agencies serving children. TCMHP is distinctive in that its funds can only be expended with the approval of a local interagency management team.

Despite the success the TCMHP has had providing services to Texas children and adolescents, there are still a tremendous number of unserved youth in need of publicly funded mental health services.

FINDINGS

Many children in Texas need mental health services.

- While the TCMHP served 26,412 children in fiscal year 1993, the Texas Department of Mental Health and Mental Retardation (TXMHMR) estimates that there are another 105,000 children in Texas in need of publicly-funded mental health services.
- Texas ranks 48th nationally in funding for mental health services, most of which is spent on services for adults.

The TCMHP reaches a broad geographic area.

- Currently, there are 45 community mental health authorities (health centers and hospitals) delivering services and 53 community management teams who meet to create programs and policies. These authorities and management teams act as the fiscal agents for the TCMHP.

The TCMHP is comprehensive in addressing children's mental health needs.

- The three components of the TCMHP include:
  - core services: therapy and crisis intervention;
  - early intervention and prevention services: school-based health and mental services, substance abuse education and treatment, parent education and early intervention for drug-exposed babies or substance-abusing pregnant women; and

- juvenile justice services: adequate mental health services to children and adolescents in the juvenile justice system.

The Texas Children's Mental Health Plan has had a positive impact on children.

- Only 18 percent of the juvenile offenders served by the TCMHP were rearrested during a year-long follow-up period. In contrast, the trend in Texas is for half of juvenile arrests to be rearrests.
- According to a survey of parents and teachers, school-based TCMHP services have resulted in improved behavior and attendance among the young people served. Additionally, the drop-out rate for teens age 16 and over has been reduced.
- Seventy-eight percent of the parents and 82 percent of the children served by the TCMHP report improvement after receiving services.

The Texas Children's Mental Health Plan is cost-effective.

- The average cost of a typical TCMHP service episode per child in fiscal year 1993 was $2,595. In contrast, the average cost of an episode of state hospitalization was more than $15,500. The cost per child per day for TCMHP services was $22 in fiscal year 1993, compared to $266 for state hospital treatment.
- The rate of admission to state hospitals for children enrolled in TCMHP programs dropped from an average of nine percent for the two-year period before TCMHP to an average of four percent for the two years after TCMHP was implemented. This reduction represents not only cost savings, but also less disruption of families since fewer children are served away from their homes.
- In a 1992 report by the Texas Legislative Budget Board Medicaid Analysis Unit, a study found that the costs of incarceration for inmates with mental illness were in some cases four times that of community-based diversion programs for offenders with mental illness.

TXMHMR is requesting more funding to expand services.

- The state legislature appropriated $40 million to the Texas Mental Health Plan for the 1994-1995 biennium. The line item for TCMHP is included in the TXMHMR budget. The cost of currently planned initiatives for service expansion would be $12.5 million for the 1996-1997 biennium. Expanded services would include: a 20 percent increase in core services across the state; the creation of two new early intervention projects, one in an urban area on a neighborhood scale and another in a rural/suburban area which would include all elementary school catchment areas; and a pilot project for refinancing children's mental health services through medicaid waivers and a pooling of local funds.

These initiatives would provide more prevention and early intervention services to all children, and provide better care to children with severe disabilities.

RECOMMENDATION

Provide additional funding for children's mental health services through the Texas Children's Mental Health Plan, as funds become available.

FISCAL IMPACT

This recommendation does not require any specific increase in funds; however the Commission strongly encourages the Legislature to give high priority to increased funding in this area in the next legislative session.

ISSUE 17: Provide residential treatment services to children with severe mental and emotional disorders

BACKGROUND

The current system for treatment of children with severe mental and emotional disorders who require residential care is not efficient or cost-effective. This population is often forced to obtain services in a way that inhibits the expedient and successful recovery of their condition.

It is estimated that there are hundreds of youth in Texas who can be diagnosed with severe emotional or neurobiological disorders requiring long term (exceeding six months) residential treatment. These mentally ill youth are defined by the Department of Protective and Regulatory Services (PRS) as Level of Care VI (or Severe V). Children defined at this level often exhibit extreme behaviors such as self-mutilation, violent rages, fire setting, threats and actual harm to parents and siblings or attempted suicide. Due to their potentially destructive behavior, these children are at risk to themselves and their community and many require long term residential treatment.

The issue of adequately meeting the needs of severely mentally or emotionally disturbed children who require residential treatment is a two-pronged. First, due to a lack of an appropriate state program for this population, children often face barriers to receiving necessary services while remaining in the legal custody of their parents. The provision of residential treatment services in state mental health facilities is extremely limited by admission and program policies, thereby minimizing these families' access to these resources.

Second, there is little programmatic funding to cover the needs of these children. Unless monies are specifically earmarked for this population, they will remain a low priority, forced to be channeled into less than ideal situations in order to receive the services they need.

FINDINGS

The Texas Department of Mental Health and Mental Retardation does not have an adequate program to serve the needs of children with severe mental or emotional disorders who require residential care.

- In the absence of a formal system for dealing with this population, there is no conclusive data on how many of these children are currently being served by different agencies or how many children in need of residential services reside in the state.
- Accessibility to state-administered residential treatment services for these youth and their families is extremely limited due to the lack of available facility beds, minimal programming for long-term residential treatment, space reserved for use by other programs and long waiting lists. State hospitals were once used to serve these children, but as hospitals became increasingly used for crisis care, they ceased to be an option for children needing long-term residential treatment.

Texas lacks a coordinated system to fund services to meet the needs of children with severe mental or emotional disorders in need of residential care.

- At an approximate cost of $69,000-$100,000 annually, the cost of private residential treatment services for such youth is beyond the reach of most families. Insurance caps on these type of services preclude all but the highest income families from obtaining necessary interventions for their children.
- Public funding for residential services is usually drawn from Title IV-E, made available under federal Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, which is utilized by the state through PRS. Title IV-E is an entitlement program providing federal reimbursement for state foster or residential care placements. State officials in some states believe that these funds are only available when the state has custody of the child. There are provisions, however, for Title IV-E eligible children to remain in the custody of their parents through a Voluntary Placement Agreement, which consists of an agreement that allows parents to remain the legal guardians while their children are served by state-administered residential care. Even if a Voluntary Placement Agreement is used, Title IV-E funds are only available to Medicaid-eligible families, making them a poor vehicle for primary funding.

Use of programs not specifically designed to meet the needs of this population can result in inappropriate, costly and ineffective interventions, with many of these youth ending up in the juvenile justice system.

- Obtaining services through various agencies not specifically designed or funded for this purpose is generally ineffective. Because the cost of services for these children is relatively high, they are a low priority for agencies charged with other responsibilities, resulting in this population continually being ignored.
- Some parents have opted to sue the state's educational system to require treatment as part of the state's obligation to educate all children. Currently, 110 children with severe mental or emotional disorders receive residential treatment through the Texas Education Agency's discretionary funding. This funding was accessed through lawsuits that are tremendously expensive for both families and the state.
- An extensive study by the Texas Council on Offenders with Mental Impairments found that the system of care for mentally impaired youth was fragmented, inconsistent and uncoordinated, resulting in these youth ending up in the juvenile justice system with little or no recognition of the services they require.
- Allowing these children to end up in the juvenile justice system can be costly for the state. In a 1992 report by the Texas Legislative Budget Board Medicaid Analysis Unit, a study found that prison costs for inmates with mental illness were in some cases four times that of

community-based diversion programs for offenders with mental illness. This finding implies that providing services tailored for the population can divert the expensive costs of incarceration for this population.

Many parents are forced to relinquish custody of their children to secure adequate care for them.

- In a national study, one of four parents of children with serious emotional disorders reported that they had been asked to give up custody of their children to obtain services (McManus).
- Recently several states, including Oregon, Minnesota, Maine and California, have enacted legislation to abolish requirements for parental relinquishment of custody as a condition for obtaining treatment for children (Ervin).
- While custody transfers may be appropriate for children who have become emotionally disturbed as a result of abusive family situations, they are a counterproductive response for children who face emotional disorders for other reasons. The result is that families are prevented from taking an active role in the care and development of their own children and there is an unnecessary break-up of the family unit.

Keeping a child's family intact is a significant factor in determining the successful recovery of a child's condition.

- Emerging data and research on organized systems of care, which include family involvement and integrated networks of community-based providers, are documenting improvements in clinical and functional outcomes and cost efficiency. Improvements include reduction of time spent in residential care, reduced involvement with the juvenile justice system and enhanced educational status. These improvements imply that better results in treatment are achieved when parents remain involved and that state costs can be reduced (Stroul et al.).

Adequate services could be provided through existing funds and institutions.

- There is consensus in the mental health community that a designated fund should be created through pooled contributions from the different agencies that currently end up serving these children. The Texas Department of Mental Health and Mental Retardation should monitor the fund, and the Community Mental Health Centers and the Community Resource Coordination Groups (CRCGs) should be in charge of reviewing cases and accessing the funds in appropriate cases.
- The State's Community Mental Health Centers are well positioned to assist in providing services to this population. There are 35 centers currently in operation, which act as the fiscal agent for The Children's Mental Health Plan.
- The state hospitals are the appropriate facilities for treating severely mentally or emotionally disturbed children who remain in the custody of

their parents. Hospitals are regionally-based, so families can easily visit their children.

- Many state hospitals, such as Terrell, have closed or pared down their children's unit in an effort to encourage more localized treatment. Most of the units are currently being used for short-term, acute care. Some of the beds in these units are being used for children under the guardianship of PRS who need long-term residential treatment. An alternative strategy for serving all populations could include the following:
  - Keep children's units open at full capacity in state hospitals, including San Antonio, Austin, Wichita Falls, Terrell, Big Spring and Vernon.
  - Where possible, transfer children who are in need of acute care to a community- based service provider.
  - Transfer children in PRS custody to the Waco facility. Because these children are in the custody of the state, it is not necessary for them to be regionally located for family visitation purposes.
  - The open beds in the children's units of the state hospitals could be designated for severely mentally or emotionally disturbed children who should remain in the custody of their parents.
- Another option would be to create therapeutic group homes in local communities. A pilot project using group homes is currently being implemented in Travis County. The homes are funded through inter-agency support. These homes are optimal for treating children close to their families and in a family-like atmosphere. Providing these homes in communities statewide is the best long-term solution for treating this population.

RECOMMENDATIONS

Statutorily require TXMHMR to develop a formal regional system for serving children with severe mental or emotional disorders who require residential treatment. The system should:

- provide for children who come from functional families to stay in parental custody;
- establish a mechanism for compiling data to assess the numbers, location and clinical status of these youth in order to approximate the need for state-funded residential treatment services;
- utilize both state mental health facilities and community services;
- include a centrally-monitored funding source consisting of existing funds contributed by agencies, such as the Department of Protective and Regulatory Services, the Texas Education Agency, the Texas Youth Commission and the Texas Commission on Alcohol and Drug Abuse;
- establish an arrangement with the PRS to serve children who are Medicaid-eligible through Title IV-E funds. PRS should make use of

Voluntary Placement Agreement Forms, which allow them to provide services while children remain in parental custody. Non-Medicaid-eligible children should be served by the pooled fund.

In developing the system, the TXMHMR should consider:

- establishing indicators for identifying mentally ill children who would be better served in out-of-home services. These indicators should consider the clinical characteristics described by Level of Care V and VI individuals. Agencies that process referral information estimate that several hundred children need these services;
- using the Community Mental Health Centers or the CRCGs to review cases on an individual basis. Criteria for use of hospital beds for residential treatment would be established to limit abuse and runaway costs;
- shifting priorities for usage of hospital beds, thereby opening beds for use by this population;
- creating therapeutic group homes at the community level; and
- employing a sliding scale system of payment for services. Any family able to afford care would not qualify for the public system.

The system should be operational by September 1, 1996.

FISCAL IMPACT

None.

ISSUE 18: Gather data on childhood lead poisoning

BACKGROUND

Lead poisoning is one of the most common and preventable environmental problems facing children in the United States. Lead exposure can occur from many sources, including lead-based paint and dust, soil, water, pottery and home exposures from the parent's occupation or hobbies. Lead is a poison that affects virtually every system in the body. Although it affects people of all ages, children are more vulnerable to the dangerous effects of lead, even at lower concentrations, and are more likely to ingest and absorb lead from the environment. Because the developing nervous system is particularly susceptible to lead toxicity, reducing lead exposure among infants, toddlers and preschool children is of particular concern.

According to the federal Centers for Disease Control, before a public health agency can design and implement an effective prevention plan for childhood lead poisoning, they must assess the sources of lead in communities, exposure patterns and high-risk populations. Limited surveillance data is currently available in Texas through the Early and Periodic Screening, Diagnostic and Treatment Program (EPSDT); however, only a small sample of the total population of Texas children receive EPSDT screenings.

Lack of an adequate surveillance system prevents targeting of effective environmental and treatment interventions and tracking of the state's success in reducing childhood lead poisoning. In recent years, Texas has been ineligible for Centers for Disease Control Cooperative Agreements and Grants because of the lack of mandatory reporting of childhood lead poisoning.

FINDINGS

Childhood lead poisoning crosses all socioeconomic, ethnic and racial boundaries.

- Fifteen to twenty percent of children six months to six years of age are at risk for chronic lead toxicity which is complicated by the lack of easily identifiable signs and symptoms.

Lead poisoning results in lower IQs and learning disabilities.

- Even modest levels of lead can reduce children's learning capacity.
- A recent follow-up study of young adults found that those with high levels of lead in their system were less likely to graduate from high school, more likely to have a reading disability, deficits in vocabulary and problems with attention and fine motor coordination, greater absenteeism and lower class ranking.

Lead poisoning can cause permanent and severe damage to the human nervous system.

- High concentrations of lead can cause mental retardation or death.

Lead toxicity in children costs Texas millions of dollars in medical care, special education and decreased future earnings.

- It is estimated, for example, that a minimum of $240,000 are lost in future lifetime earnings for every child who does not graduate from high school because of severe, chronic lead poisoning.

In recent years, Texas could not compete for Centers for Disease Control Cooperative Agreements and Grants because the state lacks mandatory reporting for childhood lead poisoning.

- Without a mandatory reporting system, the state has lost a minimum of $50,000 to $100,000 in federal dollars per year for the state to carry out childhood lead prevention activities.

RECOMMENDATION

Statutorily require the Texas Department of Health to make lead poisoning a reportable health condition and establish a registry of children with lead poisoning.

FISCAL IMPACT

According to the Texas Department of Health, funding of $130,000 for fiscal years 1996-1997 would allow the state to establish a surveillance system for lead poisoning.

ISSUE 19: Restrict minors' access to tobacco

BACKGROUND

Despite the fact that the sale of tobacco to minors is illegal, young people today can easily obtain tobacco products. Inadequate and unenforced laws result in children continuing to have ready and easy access to tobacco. In fact, in various studies of minors' access to tobacco products, a large percentage of youth were able to purchase them over the counter. Other studies have shown that young people can easily purchase tobacco products from vending machines. The United States Department of Health and Human Services reports that in marked contrast to the trends in virtually all other areas of smoking control policy, the number of restrictions on children's access to tobacco products has decreased over the past 25 years. Studies indicate that compliance with the minimum-age-of-purchase laws is the exception rather than the rule.

A major factor in creating demand for tobacco among Texas youth is tobacco industry advertising and promotion. Tobacco companies spend a considerable amount of money advertising and promoting cigarettes. Increasingly, their marketing dollars are going toward promotional activities with a special appeal to young people.

In 1993, Senator Judith Zaffirini and Representative John Hirschi introduced the Children's Tobacco Prevention and Enforcement Act. The bill would have strengthened the state's minors' access law by restricting the use of tobacco vending machines to areas not accessible to children, banning the use of free tobacco giveaways and creating stronger penalties against retailers who sell tobacco products to children. The bill passed the Senate, but did not reach the floor of the House.

FINDINGS

Despite three decades of health warnings, large numbers of young people continue to use tobacco.

- Currently, over 54 percent of Texas secondary students have used tobacco.
- Ninety percent of all smokers begin before the age of 18 and more than one-third start before the age of 14. Sixty-seven percent of smokeless tobacco users start before the age of 12.
- Two recent studies released by the Center for Disease Control and Prevention showed that while cigarette consumption among people over 18 is decreasing, smoking among high school seniors has increased.
- According to the Surgeon General, at least 3.1 million American children currently smoke cigarettes. Three thousand children start smoking every day. Of these, approximately 20 will be murdered, 30 will die in traffic accidents and nearly 750 will be killed by a smoking-related disease. Five million children now living in the United States will die of smoking-related disease.
- According to the National Conference of State Legislatures, studies have shown that nicotine in tobacco is as addictive as heroin and cocaine,

yet cigarettes are the most widely available consumer product, second only to soft drinks.

The 1994 Surgeon General's Report, *Preventing Tobacco Use Among Young People,* presented six major conclusions on the problems of tobacco among young people.

- Almost all adult tobacco users begin using during adolescence.
- Most young people who smoke are addicted to nicotine and report that they want to quit but are unable to do so.
- Tobacco is often the first drug used by young people who use alcohol, marijuana and other drugs.
- Among young people, those with poorer grades and lower self-images are most likely tc begin using tobacco.
- Cigarette advertising appears to increase young people's risk of smoking by conveying that smoking has social and even physical benefits and that it is far more common than it actually is.
- The most effective preventive programs are community-wide ones that combine education and public policy approaches.

According to a 1990 opinion poll, 96.5 percent of the Texas public believes that preventing children from starting smoking is a very important health issue.

- Eighty-seven percent believed there should be stronger laws to prevent the sale of tobacco to minors and 91 percent believed there should be better enforcement of laws banning tobacco to minors.
- The major opponents to these issues will be retailers, who will lose sales, and the tobacco industry, which targets youth to replace some two million consumers each year lost either because they quit smoking or because they die.

The demand for tobacco products by minors is affected by the way the industry targets young people in their advertising and promotion.

- According to the Federal Trade Commission, tobacco companies spent nearly $4 billion in 1990 to advertise and promote cigarettes.
- A large portion of the money spent on tobacco advertisement and promotion is targeted towards young people, with such activities as sponsorship of public entertainment and distribution of specialty items with tobacco product logos.
- According to the Centers for Disease Control, about 85 percent of adolescent smokers prefer either Marlboro, Newport or Camel--the three most heavily advertised cigarette brands.

Restrictions on the use of tobacco products on school property still allow smoking by adults under certain circumstances.

- Texas law currently prohibits students from using tobacco products on school campuses or at school-sponsored events but does not pertain to adults.
- Federal legislation now prohibits any tobacco use--adult or student--on public school and day care facilities. The Texas Education Agency is in the process of taking action to educate Texas public schools of this mandate.
- Neither state nor federal legislation restrict adults from smoking on outdoor school property.

Although current Texas law prohibits the sale of tobacco products to youth under the age of 18, minors can easily buy the products.

- According to several studies, from 32 to 87 percent of underage youth were able to purchase cigarettes over the counter.
- According to the Texas Department of Health, studies conducted during 1994 in several Texas communities showed that 13 to 15 year-olds were able to purchase tobacco products 100 percent of the time through vending machines.
- A total of 947 million packs of cigarettes and 26 million cans of smokeless tobacco are illegally sold to children nationally each year.
- Texas children who experimented with tobacco increased from 39 percent in 1988 to 53 percent in 1990.

Texas could lose more than $8 million in federal funding for substance abuse prevention and treatment in fiscal year 1995 alone if it does not address the stricter enforcement and regulation of the existing state laws regulating minors access to tobacco products.

- Congress recently passed the Synar Amendment, which requires states to prohibit tobacco sales to youth.
- States that do not comply will be denied full block grants for substance abuse prevention and treatment.
- The federal Department of Health and Human Services has the power to reduce funding by as much as 40 percent.
- Texas must address the issue of stricter enforcement of these laws or the state stands to lose over $8 million in fiscal year 1995 with increasing percentages at risk in years to come. The money at risk currently goes directly towards treatment and prevention efforts through the Texas Department of Alcohol and Drug Abuse.

RECOMMENDATIONS

Amend the Health and Safety Code to:

Authorize the state Comptroller to impose a fine for tobacco retailers on the first and second offense of selling tobacco products to a minor and a revocation or suspension of the tobacco sales permit on repeat offenses. A fee should be attached to the retailer's permit to be collected by the Comptroller to create revenue for enforcement of this law.

- In addition to the enforcement efforts, new legislation would prevent the state from losing federal funds, as stipulated by the Synar Agreement. Current law provides a penalty for the clerk who sells to the minor but does not hold the retailer responsible. New legislation would fine the retailer on the first and second offense and have him face the suspension or revocation of the tobacco sales permit on repeated offenses. The Texas Department of Health, the Texas Commission on Alcohol and Drug Abuse and the Comptroller's Office would all have some involvement in the enforcement/permitting of this law.

Ban tobacco vending machines in locations where children can access them.

- Despite it being illegal in Texas to sell tobacco to minors, even the smallest children can purchase cigarettes from vending machines in the same fashion that candy can be purchased. This restriction on where vending machines can be installed or maintained would directly affect a child's ability to access to tobacco products.

Ban free tobacco product give-aways.

- The primary recipients and targets of such giveaways are usually minors.

Statutorily prohibit the use of tobacco products on all school property and in licensed child care facilities.

- Chapter 21.927 of the Texas Education Code should be amended to ban smoking by anyone, not just students. The code should be rewritten as follows: "The board of trustees of a school district shall prohibit smoking or using tobacco products at any school related or sanctioned activity on or off school property and shall instruct school personnel to enforce the policy against smoking on school property."

Encourage communities to consider passing city ordinances banning tobacco advertising on billboards.

- Although most advertising is federally-regulated (TV and radio tobacco advertisements are federally prohibited), there are some actions communities can take,such as barring advertising on billboards. The two most popular brands for children are Camel and Marlboro. The marketing of

a cartoon camel and rugged cowboys are especially appealing to children -- and are the focus of many tobacco billboard advertisements.

FISCAL IMPACT

None. The primary cost of enforcement of tobacco restrictions could be covered by permit fees from tobacco vendors and suppliers. In addition, adoption of these changes should help ensure that Texas not lose $8 million for fiscal year 1995 in federal substance abuse prevention funds.

In banning smoking from all school property, there will be no fiscal costs to the state or local schools. There are anticipated long-term savings in the reduced costs of providing health care benefits, fewer lost days due to employee illnesses and less money spent on building maintenance, but no specific estimate is available. If restrictions are not placed on smoking on school grounds, parents of asthmatic and allergic children could seek litigation to protect their children from attacks associated with reduced lung capacity and secondhand smoke. A smoke-free policy would help insure the state against any future legal fees and medical expenses in this area.

ISSUE 20: Expand access to federally-funded food assistance programs

BACKGROUND

In order to widen the accessibility of food assistance programs for the low-income population in Texas, Senator Rodney Ellis introduced and the 73rd Legislature passed Senate Bill 714, the 1993 Omnibus Hunger Bill, which includes provisions for three programs -- the Food Stamp Program, the WIC Program and the Summer Food Service Program.

The Food Stamp Program is the primary federal anti-hunger program, providing monthly coupons redeemable at retail food stores for many food items. Eligibility and allotments are based on household size and income, assets, housing costs, work requirements and other factors. The Food Stamp Program is an entitlement program, meaning anyone meeting the eligibility requirements and applying for services can receive benefits.

The Special Supplemental Food Program for Women, Infants and Children (WIC) is designed to improve the health of pregnant, breastfeeding and postpartum women, infants and children up to five years old by providing supplemental foods, nutrition education and access to health services. Eligibility is determined by income (185 percent of the federal poverty level or below) and nutritional risk as determined by a health professional. Participants receive vouchers redeemable at retail food stores for specified foods, such as juice and milk, that contain nutrients frequently lacking in the diet of low-income mothers and children. Participants also receive at least two nutrition education sessions per six-month certification period and referrals to health care services. Although the WIC Program is not an entitlement program, it has received substantial increases in funding each year from Congress.

The Summer Food Service Program, offered in some school districts around the state, provides nutritious meals during the summer months to children from needy areas. For many children from low-income families, the National School Lunch Program provides the only hot nutritious meal eaten daily during the school year. The Summer Food Service Program extends meals through the summer to ensure that children are fed year-round.

The three major provisions in SB 714 include: (1) the implementation of a Food Stamp nutrition education and outreach program, with the outreach component targeting eligible non-participating households; (2) expanded hours at WIC sites to accommodate working mothers; and (3) the initiation of the Summer Food Service Program, by the 1996-97 school year, in school districts where 60 percent or more of children are eligible for free and reduced lunch price.

Ongoing efforts to effectively address hunger and nutritional needs for low-income communities are still needed. Problems in meeting these needs include: limited outreach to eligible, non-participating households for participation in federally funded food programs; lack of access to food assistance programs in urban and rural areas due to inadequate public transportation; and lack of nutrition education.

FINDINGS

Food assistance programs targeted in Senate Bill 714 are federally funded, providing billions of dollars in benefits to Texans each year.

- In fiscal year 1994, the Food Stamp Program issued approximately $2.5 billion worth of food stamps for Texas. Program benefits are fully federally funded; administrative costs require a 50 percent state match.
- Federal funds for the Texas WIC Program in fiscal year 1994 totalled about $400 million. WIC is fully federally-funded, including administrative costs.
- In fiscal year 1994, the Texas Summer Food Service Program received about $16.6 million in federal funds. This program is fully federally-funded, including administrative costs.

Despite the fact that federal funds are available to provide benefits for the Food Stamp Program, the WIC Program and the Summer Food Service Program, only a modest percentage of potentially eligible participants are served.

- The Food Stamp Program served approximately 61 percent of the eligible population (about 2.9 million participants monthly) in fiscal year 1994.
- The WIC Program served approximately 61 percent of eligible women and children (about 606,000 women and children monthly) in fiscal year 1994.
- In fiscal year 1994, despite significant success by the Texas Education Agency (TEA) in recruiting school districts to provide the Summer Food Service Program, only 36 percent of school districts with 60 percent of children in their districts eligible for free or reduced-price meals (73 out of 211 eligible school districts) participated in the program.

Limited outreach and lack of transportation hinder families eligible for food assistance programs from seeking services.

- Results of focus groups conducted in Houston and San Antonio by the Center for Public Policy Priorities and community hunger meetings held in these two locations and Dallas, San Angelo and the Rio Grande Valley, found that transportation is a major concern in accessing services. Many individuals do not have personal transportation and rely heavily on public transportation. In urban areas, public transportation is often not efficient and generally does not go to the outlying areas of the city, and in rural areas public transportation does not exist.
- Outreach efforts are needed to increase families' awareness of their eligibility for food assistance programs and information about benefits and location of services. These could include public service announcements on radio and television, flyers in church bulletins, grocery stores and laundry mats, and referrals from other social services programs.
- The Food Stamp Program, the WIC Program and the Summer Food Service Program all provide limited outreach. The implementation of

a food stamp outreach project by the Texas Department of Human Services per Senate Bill 714, which targets the eligible population in El Paso and Smith counties, is a good first step. Many more communities, however, are in need of outreach efforts targeting the low-income population not currently participating in food assistance programs.

Low-income families are often not exposed to proper nutrition or good eating habits. Lack of income also limits their choice of foods.

- Unlike the WIC Program, the Food Stamp Program does not have a nutrition education component, which would provide information on the selection of nutritional food products and preparation of sound nutritional meals. Consequently, parents may not provide appropriate food products and many children lack adequate nourishment. Children from low-income families often develop health complications from an early age due to undernourishment or overnourishment (obesity).

RECOMMENDATION

Encourage communities to develop a local anti-hunger plan to improve existing services and to target non-participating families eligible for services.

- Communities should involve the various agencies and organizations involved with food assistance and include their department of transportation and other local agencies that provide other related services to low-income families. Communities could collaborate their efforts through the local Commissions on Children and Families proposed earlier in this report.

FISCAL IMPACT

None. Federal funds would cover increased costs for benefits. Communities may be required to absorb some additional costs incurred in providing increased services, but should coordinate with the appropriate state agencies to determine whether their efforts are reimbursable.

ISSUE 21: Promote wellness in public schools

BACKGROUND

Education and health are closely linked. A child who is sick, hungry or hurt cannot achieve optimal academic success, is at greater risk of dropping out of school and is poorly prepared to enter the work force. Schools have an opportunity to work with parents and other community members in helping young people acquire the knowledge, attitudes and skills that promote life-long healthy behaviors. This can be done when schools include a wellness focus for students and staff.

Wellness can be defined as the optimal state of health and well-being that each individual is capable of achieving, given his or her circumstances. A wellness curricula would involve instruction in developing physical, mental, emotional and social well-being. While health habits can have a serious impact on the ability of a child to learn, most schools currently do not place a high priority on health instruction.

FINDINGS

While health is listed as a primary content area for instruction in Texas public schools, little or no emphasis is actually placed on these classes.

- Currently, the Education Code lists health as one of the 12 content areas for instruction. The essential elements for health are defined in the Texas Education Agency administrative code.
- At the elementary level, however, time specified to teach health is only listed as "weekly." As of September 1994, no health is required at the middle school level, and only one course is required for graduation from high school.
- Many colleges and universities do not require elementary or secondary teachers to take health as part of their preservice training.

A comprehensive wellness education program can provide knowledge, attitudes and skills that may curb behavioral and societal factors that threaten the health and well-being of many young Texans.

The following table outlines many of the behavioral and societal risk factors being taken by today's Texas youth.

Grades 4-6

- More than 33 percent of student surveyed drank alcohol at least once and 29 percent of sixth graders drank during the past schoolyear.
- Nearly one-fourth had used tobacco, 18.5 percent had used inhalants, and 2.3 percent had used marijuana at least one time.

Grades 7-12

- 54 percent had used tobacco and 21 percent had done so in the past month.
- 76 percent of secondary students had drunk alcohol, 23 percent had used inhalants and 22 percent had experimented with illicit drugs.
- 72.5 percent said they would go to a friend, while only 54 percent said they would go to their parents, if they needed help with a drug or alcohol problem.

Grades 9-12

- 81 percent had drunk alcohol.
- 26 percent thought seriously about committing suicide during the past 12 months.
- 23 percent carried a weapon during the past 12 months.
- 13 percent rarely or never wore a seat belt when riding in a car.
- 57 percent did not participate in a physical education class during an average week.
- 36 percent were in a physical fight during the past 12 months.
- 27 percent had used marijuana and 7 percent had used cocaine.

- 53,627 were confirmed victims of child abuse and neglect in Texas during fiscal year 1990.
- Texas ranks fourth in the number of live births to teenage women, and first in births to teenagers under the age of 15.
- AIDS is the seventh cause of adolescent death, with the highest incidence of AIDS among males and females age 20 to 24.
- 25 percent of Texas children under the age of 18 live below the poverty level, with more than one-third of Texas' uninsured population being children.

Source: Texas Comprehensive School Health Initiative

Research demonstrates the benefits of wellness instruction.

The following results are from the School Health Education Evaluation conducted in 1985 which involved more than 30,000 children in 1,071 classrooms from 20 states.

- Classes that were taught health and wellness concepts saw an increase in knowledge scores as compared to those classes that were not taught health concepts.
- Students in health and wellness classes reported healthier attitudes in three of the four areas tested. The greatest differences were recorded for attitude towards maintaining a healthy body.
- All self-reported health skills and practices were greater in health program classes, with the greatest difference in decision-making skills.
- Based on their own reports, almost three times as many comparison class students began smoking in the first half of the seventh grade compared to students who were taught health. In mid-year, less than eight percent of the seventh grade health and wellness program class students reported that they were smoking, compared to more than 12 percent of the comparison classroom seventh graders.

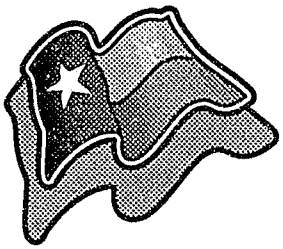
RECOMMENDATION

Encourage local public schools to incorporate wellness curricula into their academic schedules.

- Unhealthy habits and behaviors established during childhood and youth are, for the most part, preventable. A comprehensive health education program can provide young people with the knowledge that may alter attitudes, skills and behaviors to promote a healthy lifestyle.
- Local districts, based on parent and community input and needs, would be the ones to decide specific concepts to be taught and methodologies to be used. Technical assistance should be provided by mentor schools and/or organizations who have skills and materials to assist.

FISCAL IMPACT

None. The cost of creating or adopting curricula by local school districts would vary by program but could generally be done within existing resources. In the long-run, wellness curricula could eventually show cost savings in reduced health care expenditures.



Safeguarding Our Future

Children & Families First

Goal 3:
All Children in Texas will enter school able to learn to their full potential

GOAL 3: ENSURING SCHOOL READINESS

"In education, in health, in all of human development, the early years are the critical years...Our goal must be clear--to give every child the chance to fulfill his promise."

Lyndon B. Johnson

The quality of physical, emotional and intellectual care children receive in their earliest years can be the most powerful predictor of their future potential. The growing body of research in child development supports the notion that a child's most critical developmental years are from birth to three. During these first years of exploration and learning, a child is exposed to many primary experiences that will shape his or her social and intellectual capacity for a lifetime. Despite the tremendous importance of a child's early years and the significant impact those years have on one's ability to succeed in adolescence and adulthood, policies regarding early childhood development have taken a backseat to policies directed at children's elementary and secondary schooling. Early childhood care and education programs are some of the least funded, least regulated and least available in the state.

The lack of resources and attention directed toward the child care system persists in the face of an ever-increasing demand for child care services. While only 17 percent of mothers of one-year-olds worked full-time in 1965, more than half (53 percent) were in the labor force in 1991. Rising rates of divorce, teen pregnancies and single-parent households necessitate a mother's participation in the labor force, leaving many of the state's youngest children to be tended through a child care system that is inadequately funded and only nominally held accountable to programmatic or outcome-based standards. While there are many laudable programs for young children in Texas, many parents, especially those who are struggling to keep their families out of poverty, may be forced to leave their children in the daily care of centers with little or no regulation and of questionable quality.

The call to higher standards and more meaningful accountability in education, however, is starting to be heard in the institutions that serve our youngest children. In recognizing that early childhood experiences are critical to success in school and beyond, the first of six National Education Goals, federally codified as Goals 2000 in March 1994, calls for school readiness for all young children. The intent of this goal was to initiate greater efforts to ensure children are intellectually, emotionally and physically prepared to begin their formal schooling.

In Texas, a number of efforts are underway to strengthen the child care system with standards that will ensure children are receiving the attention they need to become confident, healthy and curious students. State agencies, policymakers

and child care professionals are coming together to propose higher standards for child care centers, further training for early childhood education practitioners and expanded programs for those children most in need of school preparation. The Commission supports these changes in the child care system through recommendations in four areas of early childhood care and education:

- Early childhood programs for low-income families;
- Federal funds for child care;
- Career track for child care workers; and,
- New minimum standards for licensed child care centers.

ISSUE 22: Expand and coordinate early childhood programs for low-income families

BACKGROUND

Publicly-funded early childhood care and education in Texas is a patchwork of programs and services that vary widely in terms of philosophy, financial support received, regulatory requirements and target populations served. While the funds available for child care and early education programs have grown dramatically over the past few years, the demand has grown at an even faster rate. In addition to a need for more funding to serve more children, there is a need for more coordination and collaboration among the existing programs. These programs, which serve low-income families, include Texas Department of Human Services (DHS) subsidized child care, Texas Education Agency (TEA) Prekindergarten and the Head Start program.

DHS Child Care

Purpose: Provides full-day substitute care so low-income parents can work or attend training. Without these services, many parents forced to leave workforce to care for their children. Approved day care facilities must be licensed by Texas Department of Protective and Regulatory Services.

Eligibility: Serves families with incomes at or below 150 percent of the federal income poverty limit, although the overwhelming majority of families with children actually enrolled in DHS child care have incomes below 100 percent of federal poverty income limits. Serves children from birth to age 13, or up to age 19 if the child has disabilities. Parents must be employed or in training. Note: The fiscal year 1995 federal poverty level is $12,650 per year for a family of three.

Funding: Is supported by multiple federal funding sources, some of which require non-federal match.

Enrollment Periods: Available for a full working day 12 months of the year. No distinct enrollment periods or program periods. Children enrolled in services may remain only as long as they and their families meet eligibility criteria.

Fees: Parents assessed fee on sliding scale unless they receive AFDC or SSI benefits.

Administration: Managed by 27 competitively-procured Child Care Management Services (CCMS) contractors, each serving a distinct geographic area. Parents are offered their choice of any licensed or registered child care provider in state, or they may choose certain relatives.

TEA Prekindergarten

Purpose: Operates in educational settings through public schools. Provides developmentally appropriate education intervention and intensive language development opportunities to low-income or limited English-proficient children.

Eligibility: Serves primarily four-year-old children eligible for free or reduced price meals (living at or below 133 percent of the federal poverty limit) and those who have limited English proficiency. Some three-year olds are served.

Funding: Is supported by state and local funds.

Enrollment Periods: Operates on program year concept with distinct cycles of enrollment and program beginning and ending dates (although new children can be enrolled later in year if funding permits). Majority of programs are half-day and run for nine or ten months. Children deemed eligible for Prekindergarten at beginning of year can stay throughout program year.

Fees: Prohibited by state regulations from charging fees.

Administration: Operated by local independent school districts, usually in on-campus facilities. School district may contract with local child care provider for program if it meets all TEA requirements.

Head Start

Purpose: Provides comprehensive developmental program including health, nutrition and family support services as well as education for children in low-income families. Strongly encourages parent involvement.

Eligibility: Serves primarily four-year-old children living in families at or below 100 percent of the federal poverty limit. Some three-year olds served. Some Head Start programs also beginning to expand to include infants and toddlers.

Funding: Is supported by federal funds which require local match (cash or in-kind). Head Start funds flow directly from federal government to local grantee.

Enrollment Periods: Operates on program year concept with distinct cycles of enrollment and program beginning and ending dates (although new children can be enrolled later in the year if funding permits). Majority of programs are half-day and run for nine or ten months. Children deemed eligible for Head Start at beginning of year can stay throughout program year.

Fees: Prohibited by federal regulations from charging fees.

Administration: Operated by private non-profit entities who have been selected as grantees by federal Department of Health and Human Services. Some of the 73 grantees in Texas are school districts, CCMS contractors or CCMS vendors.

FINDINGS

A large percentage of children eligible for publicly-funded child care and early education programs are not receiving services.

- DHS estimates that it serves less than four percent (58,071) of the eligible children living in low-income families.
- TEA estimates that it served only about 64 percent (96,761 children) of the low-income or limited English proficient four-year olds eligible for Prekindergarten services in the 1992-93 school year.

- Head Start estimates that it serves about 25 percent of the eligible Texas children.
- While these are only estimates and it is unknown how many of the children included in the category of eligible but unserved for one program may be enrolled at least part-time in one of the other programs, it is clear that there is still a vast unmet need for early childhood care and education services.

Problems in the provision of child care and early education may be rooted in a lack of understanding about the importance of affordable, quality early child care for lower income families.

- The care and early education of young children in this country has traditionally been considered the responsibility of the individual parent. Unlike the systems developed in all other major industrialized nations, child care in the United States is supported mainly by parent fees. Subsidies for child care and early education programs have been established fairly recently and have been targeted primarily to the lowest income families. However, as increasing numbers of mothers with young children enter the workforce, the need for affordable, high quality early childhood programs has increased.
- An additional factor is the increasing emphasis on welfare reform resulting in more of the very lowest income parents needing full-day child care so they can participate in training and employment programs. These parents cannot afford to pay for the kind of child care that will fully address their children's developmental needs, yet there are not sufficient subsidies available to them. These services are essential both for the parent's movement toward self-sufficiency and for the child's ultimate personal independence, positive citizenship, and entry into the workforce. The Committee for Economic Development, Research and Policy estimates a savings of $4.75 in lowered costs of special education, public assistance and incarceration for every dollar spent on quality preschool education (Committee for Economic Development).

Experience among programs in Texas and across the nation has demonstrated that increased collaboration can improve families' access to more comprehensive services.

- Programs could reduce possible duplication of effort and enhance staff expertise by conducting joint staff training. Resources could also be stretched by conducting joint community needs assessments. Children enrolled in DHS child care full day who also qualify for Prekindergarten could benefit by having a school district teacher come to the child care center to conduct the prekindergarten program.
- Collaboration among programs may also help to address the gaps among these three programs in the services they can provide to families. Head Start is by far the most comprehensive in terms of the array of services available. However, the need of the working parent for full-day

substitute care is often not met. Child care, on the other hand, meets the need for substitute care but, due to limits on payment rates, often falls short of ensuring a quality experience for the child and offers little in the way of family support services. A collaborative model that combines the best of both programs would provide a more comprehensive package of family services.

Collaboration can result in improved quality across programs, but it does not necessarily save money. And collaboration alone, without increased funding, can never fully address the unmet need for services.

The cost to expand DHS' child care services and TEA's Prekindergarten to serve currently unserved eligible low income families would be significant.

- The estimated cost to the state to provide child care to low-income children currently on waiting lists for DHS child care services would be $211.2 million for fiscal years 1996-1997.

  However, DHS believes that the number of children on the waiting lists is only a small portion of the number who actually need subsidized child care. The waiting lists are purged every 60 days and the parent must call in prior to the 60th day each time to remain active on the list. Also, many parents choose not to even enter their children on the list when told that they may have to wait anywhere from several months to a couple of years before services can be provided.

- The estimated cost to the state to provide Prekindergarten to all eligible but currently unserved children (i.e., children living in families at or below 133 percent of poverty and those who are limited English-proficient) would be, at a minimum, $51.4 million for fiscal years 1996-1997.

- Head Start is fully funded through federal dollars and local matches. In fiscal year 1995, programs in Texas were allocated a total of $210 million in federal funds. No state dollars are used to fund Head Start.

RECOMMENDATION

Expand the Department of Human Services child care program and Texas Education Agency's Prekindergarten, as funds are available, to begin to address the serious shortage of services for low-income children eligible for publicly-funded child care but not receiving services.

- Additional funds are also needed specifically for teen parents who need child care to complete high school. Both DHS and TEA have funds for this purpose, but the combined funds are not sufficient to meet the need.

- DHS, TEA and Head Start should continue to target funds to the low-income children and families already targeted by these programs. DHS should also continue the policy of charging parents for child care services on a sliding fee scale. (Note: DHS will be re-examining its current parent fee policies during fiscal year 1995 for possible revisions to ensure that fees are affordable for the very lowest income families.)

As part of the Blueprint for Children discussed in Issue 1, statutorily require that state agencies develop strategies to coordinate DHS child care, TEA Prekindergarten and Head Start.

- The Blueprint could direct a team of key staff from the appropriate agencies to meet on a routine basis to do joint planning involving their respective programs. The federal Department of Health and Human Services Head Start and Child Care Bureaus could be invited to participate in this interagency group.

FISCAL IMPACT

This recommendation does not require any specific increase in funds. However, the Commission strongly encourages the Legislature to give high priority to increasing funding in this area in the next legislative session.

ISSUE 23: Draw down more federal funds for child care

BACKGROUND

Title IV-A At-Risk Child Care funds, administered through the Texas Department of Human Services (DHS), provide child care for children of working parents at risk of becoming dependent on welfare due to low income. Title IV-A At-Risk funds require state matching funds at the Medicaid match rate of 64 percent federal, 36 percent state. Children ages 0 to 13 years (or older if they have disabilities) living in families with income at or below 150 percent of the federal poverty income limits may be served. Parents must be employed to receive Title IV-A At-Risk child care services. Child care services are available for a full working day 12 months of the year. All services are provided through the statewide Child Care Management Services (CCMS) system of 27 local management contractors. Over 4,500 child care providers participate in the CCMS system statewide.

DHS estimates that current total child care funding, inclusive of Title IV-A At-Risk funds, allows services to be provided to less than four percent of the eligible children in the state. The average number of children served through Title IV-A At-Risk funds is as follows.

Fiscal Year	Average Children Per Day
1993	14,064
1994	7,090
1995*	4,952

*projected

The child care budget for DHS does not include sufficient state general revenue to fully access all the federal Title IV-A At-Risk funds available to Texas, hence the declining number of children served each year. There is a tremendous need for additional state child care funding, as well as a need to continue looking for ways to maximize the current resources by implementing collaborative early childhood care and education initiatives. There is potential for additional federal child care funds to become available through welfare reform legislation expected to be proposed in the Congress in fiscal year 1995. However, these funds will still require a state match.

In past years, millions of federal dollars available to Texas have gone unused because of the lack of funds for the state match. Providing additional child care to families eligible for Title IV-A At-Risk child care is important in allowing these parents to remain employed and off welfare. For the past several years, DHS has actively worked to identify alternate sources of funding that can be used as the state match for Title IV-A At-Risk services. Restrictions in the appropriations process effectively prevent Texas from using Texas Education Agency's Prekindergarten funds as the state match for Title IV-A At-Risk funds.

FINDINGS

In fiscal years 1994-1995,Texas did not take advantage of an estimated $20.3 million in federal Title IV-A At-Risk Child Care funds due to the lack of funds for the state match (DHS, 7/28/94).

- The average number of additional children per day who could have received services if the state match was available would have totalled over 11,700 children.
- The total amount of unmatched federal child care dollars, inclusive of Title IV-A At-Risk and the AFDC-JOBS child care, for fiscal years 1994-1995, totalled $28.4 million.

DHS and TEA have been working with local independent school districts for the past year to begin certifying state Prekindergarten funds as match for at least a portion of the Title IV-A At-Risk funding.

- The districts must use the funds to extend their existing half-day Prekindergarten and early childhood special education programs to include full-day education and child care, to support parental employment.
- Specifically, DHS obtained federal approval to recognize school districts as a separate class of child care providers, which enables DHS to reimburse the districts with federal Title IV-A At-Risk dollars for their actual costs. DHS has negotiated with several school districts for projects for the 1994-95 school year.

Administrative complications, reluctance on the part of school districts and budgetary constraints prevent DHS from fully capitalizing on the use of TEA's prekindergarten funds as the state match for Title IV-A At-Risk funds.

- Each school district must apply separately with DHS for their Prekindergarten dollars to be used as state match for Title IV-A At-Risk funds. Not only is this process an administrative burden for school districts, many districts are unaware of this option. School districts are also reluctant to apply their Prekindergarten dollars as state matching because they mistakenly believe that they will be forced to absorb some of the additional costs in expanding their program to full-day. In reality, they are reimbursed based on actual cost.
- Section 60 of the General Appropriations Act lays out restrictions against the transfer of funds between agencies, departments or institutions except under the provisions of interagency contract, budget execution statutes or specific rider or statutory authorization. Thus far, this restriction has prevented the transfer of Prekindergarten funds from TEA to DHS to be certified as Title IV-A At-Risk state match.

DHS has secured donations of local government and private funding as the Title IV-A At-Risk state match in San Antonio and El Paso.

- The city of San Antonio donated $600,000 in fiscal year 1993 and $1,050,000 for fiscal year 1994.

- Total donations from the El Paso area were $105,000 for fiscal year 1993 and $63,223 for fiscal year 1994.

While DHS plans to continue seeking increased donations of local funds for the Title IV-A At-Risk child care program, federal Department of Health and Human Services (DHHS) restrictions on the use of donated funds often contribute to the reluctance of potential donors.

- Donated funds may not be used for a particular client or group of clients, and may not in any way be tied to a particular child care provider. Eligible clients within the CCMS service area must be served on a first come, first served basis and parents must be given their choice of provider. This means that donors, such as cities, non-profit agencies or businesses are not able to donate funds to be matched by Title IV-A At-Risk funds if they designate that their funds must target certain populations, areas of town or child care providers (except for Prekindergarten programs, as mentioned above, which have been designated by the federal DHHS as a separate class of providers). The funds may, however, be limited for use within the CCMS service delivery area in where the donor is located.

RECOMMENDATION

Attach a rider to the fiscal years 1996-1997 Appropriations Act to allow the transfer of Prekindergarten funds between Texas Education Agency and Department of Human Services and to enable Department of Human Services to use Texas Education Agency's Prekindergarten funds as the state match for previously unmatched federal Title IV-A At-Risk funds.

- This would ensure that all federal Title IV-A At-Risk funds are matched. It would also save the administrative burden created by requiring each school district to submit an application to DHS for certification of its Prekindergarten funds. Local districts wishing to provide an expanded Prekindergarten program could apply to TEA for these newly matched federal funds.

Direct Department of Human Services to pursue a waiver of federal regulations that would allow a certain percentage of the federal unmatched funds to be matched using local funds from local entities such as United Way allocations and city funding, using the reimbursement model that was developed for Prekindergarten programs.

- Local agencies could then design and deliver programs which are responsive to community needs. In addition to funding local programs which provide their own match, 10 to 20 percent of the federal dollars brought to Texas in this way could be set aside to be used in areas across the state which do not have matching local funds.

- If DHS is successful in obtaining the federal waiver, they would then determine the percentage breakdown of federal unmatched funds to be matched using prekindergarten dollars and local funds, based on local interest.

FISCAL IMPACT

The adoption of these changes would enable Texas to draw down all Title IV-A At-Risk federal dollars previously unmatched. It is anticipated that an additional $22 million could be drawn down for fiscal years 1996-1997.

ISSUE 24: Create a professional career track for child care workers

BACKGROUND

Quality early child care programs require a stable and well-trained work force. Efforts to provide a more comprehensive training and professional career track for early childhood education workers would help to ensure higher quality programs throughout the state.

Two major barriers to attracting and retaining high quality staff in early child care and education exist. First, the lack of a formal training system for early childhood education workers means no professional training program exists for career preparation or to facilitate career advancement. Second, compensation for early childhood education workers is inadequate, which causes job dissatisfaction and a high turnover in the field.

FINDINGS

Well-trained early childhood education staff provide a higher quality educational experience for children than untrained staff.

- According to a National Child Care Staffing Study (Whitebook et al.), programs whose staff had less formal training and higher staff turnover provided a lower quality experience for young children. Children in lower quality programs were less competent in language and social development than children in programs with better trained, more stable staff. The Staffing Study Report strongly stressed the idea that the improvement of early care and education programs could only be accomplished by addressing the quality of staff.

Most childhood education workers lack formal child care training.

- A 1993 Caregiver Status Survey conducted by the Texas Center for Social Work Research showed a wide variation in the level of caregiver training, salary levels and benefits for those in the field of early childhood education. The study found that many caregivers enter the field with no training. The training that is available is often in the form of seminars and workshops, and no systematic career track or credential system exists for early childhood education workers.

- A 1991 study of Texas Prekindergarten programs by the Texas Education Agency found little evidence of developmentally appropriate practices being employed in Prekindergarten programs. Although over half of the Prekindergarten teachers had teaching experience, less than half of the teachers had any early childhood training.

Compensation for early childhood education workers is inadequate.

- In the National Child Care Staffing Study, the average salary of workers at licensed centers was $5.35 per hour, and 57 percent of the workers made less than $5 an hour. Only a minority of these practitio-

ners received benefits such as merit or cost of living increases, health care coverage, life insurance or retirement benefits (Whitebook et al.).

- Salaries for early childhood education workers in Texas are most frequently at poverty level (TEA, 1991).
- The National Child Care Staffing Study found that wages was the measure of the adult work environment that best predicted both turnover and the quality of the child development environment.
- A 1993 Caregiver Status Study by the Texas Center for Social Work Research found that the reason most commonly cited by caregivers for why they would choose to stop working in childcare was low pay. The field currently has a turnover rate of 41 percent.

A comprehensive professional preparation system for early childhood education workers would require a number of components.

- A comprehensive professional preparation system would include the following three components:
  - Professional standards: a common core of shared knowledge that defines the profession; this would ensure that all practitioners possess the basic knowledge and competencies necessary for working with young children.
  - A coordinated training system: the development of a coordinated training system would provide formal career preparation; the system would include training for current practitioners who wish to advance in the field.
  - Personnel registry and credentialing system: the system could record all formal and informal training experiences completed by each practitioner, thus establishing a career record for each person working in early education and care; the system could contain a centralized approval system for credentialling practitioners.
- The Texas Head Start Collaboration Project has begun work in this area. Texas is one of 39 states developing a framework for a statewide Coordinated Career Development System. The framework will broadly define the system the state will move toward and plan for phase-in implementation. The framework and implementation plan will enable the incorporation of existing state and local training efforts into one system. Key components of the system include core curriculum elements, professional standards, coordinated training and personnel registry and credentialling.

RECOMMENDATION

Statutorily require the Texas Education Agency, the Higher Education Coordinating Board, the Health and Human Services Commission and the Head Start Collaboration Project to evaluate the current quality of practitioner training programs for early child care providers.

Statutorily require these agencies to report to the 75th legislature on the need for, design of and potential funding sources for a statewide professional training and certification program for child care practitioners.

- This effort should be conducted in concert with the work of the Texas Head Start Collaboration Project. Facilitating professionalization in the field should have the effect of increasing practitioner salaries.

FISCAL IMPACT

None.

ISSUE 25: Support new minimum standards for licensed child care centers

BACKGROUND

The Department of Protective and Regulatory Services is required to "conduct a comprehensive review of all rules and standards at least every six years and promulgate minimum standards for child care facilities" (Chapter 42 of the Human Resources Code). In October 1994, PRS revised these minimum standards; prior to that the standards were not reviewed or revised since 1985. Until this past October, there had been no revision to the child/staff ratios, the most controversial of the proposed revisions, since 1976.

PRS is required by law to protect the health, safety and well-being of children in child care facilities through the development and enforcement of minimum standards of operation. PRS explains that by lowering the number of children per staff person, more attention will be given each child, thus lowering the number of accidents that occur in child care facilities across the state. In addition, PRS explains that an increase in the training required of both child care facility staff and directors will assure basic safety standards.

The former and revised standards are as follows:

Issue	Former Standards		Revised Standards	
Child/Staff ratio (# per adult)	0-12 months	5:1	0-12 months	4:1
	13-17 months	6:1	13-17 months	5:1
	18-23 months	9-10:1	18-23 months	7:1
	2 years	11-13:1	2 years	9:1
	3 years	15-17:1	3 years	13:1
	4 years	18-20:1	4 years	16:1
	5 years	22-24:1	5 years	20:1
	6-8 years	26:1	6-8 years	22:1
	9-12 years	26:1	9-12 years	25:1
Preservice training	None		8 hours-before working with group	
Annual training requirement	15 clock hours of training a year		Maintain 15 hours First aid and CPR would not count towards requirement	
Director qualifications	Must be 21 and a high school graduate, plus 3 years experience and 12 credit hours of college or equivalent		Added to current requirements: an additional 3 credit hours each in child development and business	
Corporal punishment	Spanking allowed with parent's permission (child over age 5)		No corporal punishment	

The new standards are to be implemented in January of 1995 with the exception of child/staff ratio changes, the most controversial of the proposed revisions, which are to be phased in by 1997.

FINDINGS

The ratio of children to staff directly affects the quality of care given to children, especially their safety.

- According to PRS, last year there were 5,342 serious accidents reported to have taken place in child care facilities. Staff did not see the incident occur 42 percent of the time. Staff were involved with other children at the time of occurrence 33 percent of the time.
- According to research done by PRS, centers not in compliance with the new standards are three times as likely as those in compliance to have incidents involving physical injuries to children that require medical attention, cause inconvenience to the child beyond three days and require more than three days before the child can resume full activity.
- Two major insurance companies have recently stopped underwriting child care policies in Texas due to concerns with overall safety criteria in child care facilities. Regardless of current standards, these companies and others believe that the safety requirements are insufficient.
- According to the American Public Health Association, lowering child/staff ratios have demonstrable positive effects on children in care. Centers with lower ratios had better quality care based on observed caregiver behavior. Based on their research, states with higher ratios have more hazardous care, and with each additional child in the ratio, quality decreases. There is a demonstrable increase in danger to children in day care facilities with higher ratios.

Research conducted on the changes in child/staff ratios in other states shows that there has been no negative effect on the availability of services due to lowering the ratio.

- Improving ratios did not have an adverse impact on the number of regulated centers in Arizona, Georgia or Ohio. The number of licensed centers in Arizona increased substantially during the period that ratios were improved, rising from 777 centers in 1986 to 1,081 centers in 1990.
- Despite improving ratios for infants in Ohio, the availability of space for infants in programs has increased by 35 percent for the 0-12 month age group, 59 percent for the 13-17 month age group, and 50 percent for the 18-23 month age group. A year after stricter ratios went into effect for other age groups, enrollment increased by 30 percent (Galinsky and Friedman).

Research shows that the quality of education provided at child care facilities is improved through increased training for staff.

- According to the National Commission on Children and Youth, research clearly documents the benefits of staff training in child development, health and safety. Those caregivers who receive such training are more likely to provide the care and attention that fosters trusting, affectionate relationships, to structure learning activities in ways that appropriately support social and intellectual development and to ac-

tively recognize, appreciate and reinforce children's different ethnic, racial and cultural heritages.

- *Starting Points*, the final report of the Carnegie Foundation Task Force on Meeting the Needs of Young Children, stresses the importance of adults who care for children under three knowing about this unique period in a child's life. Practical information about how infants and toddlers develop, how to cope with children's unique temperaments, rates of growth, and communication styles, how to foster healthy emotional and physical growth; and how to create respectful partnerships with children's families is necessary in order to maintain a safe and healthy environment and to identify physiological and developmental problems.

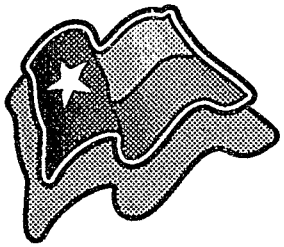
RECOMMENDATION

Support the recent revisions to the minimum child care standards adopted by the Texas Department of Protective and Regulatory Services.

- These standards should lower the number of accidents in child care facilities in Texas while at the same time providing quality care.

FISCAL IMPACT

None.



Safeguarding Our Future

Children & Families First

Goal 4:
All Texas Children will succeed in school

GOAL 4: GUARANTEEING SCHOOL SUCCESS

"Education is our most powerful economic program, our most important trade program, and our most effective anti-poverty program. With the involvement of students, parents, communities, and employers, real educational reform will happen student-by-student, classroom-by-classroom, and school-by-school."

Former President George Bush

A solid education is the key to opening opportunities for every Texas youth. Strengthening the education system offers the greatest possibility for improving the quality of life for citizens statewide. We live in an era of limited options for poorly-educated people. Standard employment in manufacturing, which was once characterized as a limited-skill mass production industry, has given way to more specialized, highly technological fields; jobs today require more innovative thinking and better-honed skills. Economic opportunities for those without adequate schooling have become limited to a bleached employment palette of fast food and other low-level service jobs, while those who possess a solid education occupy prized professional positions.

Education, however, can be a powerful equalizer. A strong education system provides individuals with the knowledge and skills they need to become economically self-sufficient and to actively participate in society at large. Moreover, the state depends on a capable and well-educated citizenry to govern their communities and compete in the international market.

Throughout the past decade, Texas has channelled tremendous energy into improving the quality of education for children throughout the state. With the deluge of research in the 1980s that exposed the inadequate skills of students across the country, Texas legislators embarked on a massive reform movement to address every facet of Texas education. The movement included the adoption of a core curriculum for grades K-12 called the Essential Elements, to ensure that all students receive a well-balanced education. The Essential Elements were accompanied by a smorgasbord of reforms including everything from Exit Tests for graduating students to a formalized Career Ladder for teachers. The stream of reform in the 1980s met with some success, but was criticized for being a breadth rather than depth approach to bringing about meaningful change in schools.

The current wave of education reform focuses more narrowly on children who are just beginning and those who are finishing up their tenure in the school system. These critical times mark bridges in a child's or adolescent's life, when they acquire new responsibilities and independence. Educators and policy-makers believe that at these stages children need extra support and direction. Young children beginning school need to be emotionally and intellectually

prepared to embark upon their learning in a school environment and teenagers need to be confident of their abilities to pursue fulfilling careers.

Educators are also becoming increasingly concerned with how children's physical and emotional well-being affects their ability to learn. Youth who come to school with physical or emotional needs unmet are unable to maximize their potential in the classroom. The belief that children need to feel safe, healthy and unhampered by stress in order to thrive as students has become paramount in shaping education for today's youth.

The Texas Commission on Children and Youth supports children and adolescents in achieving educational success through recommendations in thirteen areas:

- School safety;
- Truancy;
- Anti-violence/peer mediation programs to reduce violence;
- Parents involvement;
- School-linked/school-based services;
- Student credit for community service;
- Administrative burdens on school counselors;
- Developmentally-appropriate curriculum and instructional practices for early childhood education programs;
- Innovative methods to reach at-risk students;
- Students with disabilities in regular classrooms;
- Teachers, administrators, and staff recognition and reporting of signs of child abuse;
- School to work transition; and
- Pay raises for teachers.

ISSUE 26 Provide safe schools for all public school students

BACKGROUND

As school violence has become more frequent, many teachers, administrators, and legislators have begun advocating zero tolerance for unruly, or threatening behavior in the classroom or on campus.

The Texas Education Code currently permits removal of a student to an alternative education program if the student poses a danger of physical harm or has engaged in serious or persistent misbehavior. The period of removal to an alternative program may not extend beyond the end of the semester during which the conduct that directly led to the removal occurred. School districts are required to provide for one or more of the following alternative education programs: in-school suspension, transfer to a different campus, transfer to a school-community guidance center or transfer to a community-based alternative school (Texas Education Code § 21.301).

The Texas Education Code also defines situations under which a school may expel a student without resort to an alternative education program. These situations may occur on school property or while attending a school-sponsored activity off school property, and include assault of a teacher or other individual, drug or alcohol abuse and possession of a firearm. A student may also be expelled for persistent misconduct if the misconduct continues after placement in an alternative education program. Expulsion cannot extend beyond the end of the school year unless the conduct directly leading to the expulsion occurred during the final six-week reporting period of the school year. In this case, the expulsion may not extend beyond the end of the first semester of the next school year (Texas Education Code § 21.3011).

Although expulsion can be a useful mechanism for maintaining safe schools, public safety is threatened when disruptive or dangerous youth are set free on the streets without any provision for supervision or meaningful disciplinary action. Expulsion reduces the opportunity to directly intervene to change a student's behavior pattern, thus increasing the odds that he may become a danger to the public. If alternative education programs are to reduce these odds, they must be designed to do more than merely detain students for seven hours a day; rather, they must be based on rigorous academic and behavioral standards. Further, because the ramifications of expulsion extend throughout a community, all parts of the community--not just the schools--must mobilize to create meaningful alternatives.

FINDINGS

School districts are struggling to develop appropriate educational alternatives for disruptive students.

- The Texas Education Agency (TEA) estimates that 13,600 students are expelled from Texas schools each year.
- Juvenile courts are authorized to order an expelled student to attend school as a condition of probation. Educators, however, have difficulty serving this population because there are too few alternative programs.

Further, expulsion is often the last resort after a student has been placed, without improvement, in the alternative programs that are available.

- Educators often do not have the resources necessary to intervene effectively before expulsion is required. Moreover, the lack of publicly-funded mental health and other social services severely limit the community support available.

Some school districts have developed long-term alternative education programs for students who would otherwise be expelled.

- Based upon a recent survey conducted by TEA, 34 school districts reported having Discipline Alternative Campuses. Eleven other districts reported discipline as one of the problems addressed in alternative education campuses providing multiple programs.
- No minimum standards currently exist for alternative education programs, and some are reported to be dumping grounds for students who are less successful in the traditional educational environment.
- TEA is expected to release accountability standards for alternative education programs in January 1995.

The juvenile justice system is ill-equipped to deliver educational services.

- Juvenile justice professionals are trained to provide the guidance and supervision necessary for a youth's rehabilitation; they are not prepared to provide or supervise academic instruction.
- The Texas Juvenile Probation Commission (TJPC) estimates that it would cost approximately $34 million dollars annually to operate a separate educational system for students adjudicated for violent offenses, felony drug offenses, aggravated assault and weapons violations (exclusive of youth in the Texas Youth Commission (TYC) and on parole from TYC).
- TYC estimates that it would cost approximately $8 million over the next biennium to operate a separate educational program for paroled youth.
    - Due to the locations of paroled youth, TYC would have to operate 62 parole schools, primarily one-room and frequently one-student schools, just to have one in each county with a paroled youth.

RECOMMENDATION

Encourage schools to communicate to a student and his parents, clearly and in writing, the conditions the student must fulfill in order to avoid removal to an alternative school.

Statutorily define alternative education and clarify that alternative education programs include both academic and behavioral skills components.

Amend the Education Code to allow assignment to an alternative school to extend beyond the end of a semester when a student poses a danger of

physical harm; provide for a procedure for re-admission, including a contract defining the conditions which must be met prior to re-admission.

Authorize expulsion of students, contingent on due process, who have committed serious offenses or have been placed in alternative programs but continue to pose a danger of physical harm.

Require that expelled students be referred to the juvenile probation system.

Encourage school boards and juvenile boards to jointly develop court-monitored education programs for expelled students.

Require TEA to set standards and provide incentives to guide the development of alternative and court-monitored education programs.

- These recommendations would give local school districts the flexibility they need to maintain safe classrooms. If students create problems in the classroom, however, they should not be set loose to commit crime in their neighborhoods. Communities cannot afford to give up the hope that all Texas youth can be educated. Students may be removed from the regular classroom but should not be removed from the school system altogether. Accordingly, the Commission recommends that communities develop a safety net of alternative programs. Students who cannot be maintained in the regular classroom should be given an opportunity to improve their behavior in an alternative program of the kind currently existing in many school districts, i.e., in-school suspension or an alternative learning center. If, however, students pose too great a danger or are too disruptive to be maintained in this environment, they may be expelled.

- Expelled students should be both referred to the juvenile probation system (for "conduct indicating a need for supervision") and assigned to a more regimented alternative education program (if such programs have been developed in the district). Because the juvenile court would have jurisdiction over these students, the program would be referred to as court-monitored education. Local juvenile boards would be required to meet with the school board(s) in their jurisdiction to develop policies for providing appropriate supervision, counseling and intervention services for students assigned to alternative programs. While schools should provide the academic component in court-monitored education, juvenile probation and other youth-serving social service agencies should provide the resources necessary to address the behavioral problems of expelled youth.

More specific recommendations are set forth below.

Alternative Programs

Define alternative education programs as follows:

- Within section 21.301 of the Education Code, "an alternative education program" should be defined as "a school setting for students who are not amenable to education in the traditional public school programs."

- Section 21.301 should further be amended to clarify that "the curriculum of an alternative program should stress rigorous academic standards and should include components designed to rectify behavioral problems."

Encourage schools to communicate to a student and his parents, clearly and in writing, the conditions the student must fulfill in order to avoid removal to an alternative school.

- The school is encouraged to actively involve parents in this process. The student and his parents or guardian should be required to sign this document. These conditions should include required consultation with an appropriate mental health and/or academic counselor.
- Optimally, the student should receive needed services to improve behavior through referrals from the Community Resource Coordinating Group (CRCG), Children's Mental Health Plan Community Management Team or a similar interdisciplinary team.

Amend the Education Code to allow assignment to an alternative school to extend beyond the end of a semester when a student poses a danger of physical harm and provide for a re-admission procedure, including a contract defining the conditions which must be met prior to re-admission.

- If a student's presence in the regular classroom would pose a danger to others, the Education Code should permit the student's assignment to an alternative program to extend beyond the end of the semester. In this instance, the student's reintegration into the regular classroom should be contingent upon fulfillment of certain pre-defined conditions.
- The Education Code should require that a committee composed of the principal (or designee) of the home school, the administrator of the alternative program (or designee) and an advocate for the student (not a school district employee) would review the student's record to determine if intervention other than an extended assignment to an alternative school would be appropriate. For those students who are assigned to an alternative school for an extended period, the committee would define the conditions the student must fulfill prior to re-admission to the regular school. If a student is on probation or parole, the committee should consult with the probation or parole officer in defining these conditions.
- The Code should also require that the conditions be set out in a contract to be signed by the student and his parents or guardian and that the at-risk coordinator monitor the student's progress in meeting the conditions of the contract. If the student requests to remain in the alternative program after the conditions of his assignment have been fulfilled, the committee should have the option to allow the student to remain in the program for a certain period of time or until he requests a transfer back into the regular classroom.

Expulsion

Authorize expulsion of students, contingent on due process, who have committed serious offenses or have been placed in alternative programs but continue to pose a danger of physical harm.

- The statute should be amended to allow expulsion if the board or its designee makes the following findings (recommended changes appear in italics):

  a. that a student has engaged in the kinds of conduct currently set forth in Section 21.3011 of the Texas Education Code, e.g., assault, drug or alcohol use, and possession of a firearm while on campus or at a school-sponsored activity; **or**

  b. that the student is currently assigned, or has within the current school year been assigned, to an alternative program *and* either (1) *poses a danger of physical harm to himself or others* or (2) engages in persistently disruptive misconduct.

- The Texas Education Code should be amended to require that before the expulsion hearing is held, the student's parents/guardian shall not only be notified, but also clearly invited to attend. The Code should also be amended to require that the student be represented by an adult who is not a school district employee at the hearing.

Referral of Expelled Students to the Juvenile Probation System

Require that school authorities refer expelled students to the juvenile probation system.

- The Texas Education Code should be amended to require that each youth who is expelled be referred to the juvenile probation department as a youth whose "conduct indicates a need for supervision." The student should be referred for "delinquent conduct" if the conduct resulting in expulsion constitutes delinquent conduct as defined by the Family Code. The referral should be made within two working days following the expulsion hearing, and the referral information required by section 52.04 of the Texas Family Code should be provided by the referring school.

- The Texas Family Code should be amended to include (non-delinquent) conduct resulting in expulsion among the kinds of "conduct indicating a need for supervision."

Court-Monitored Education

Encourage school boards and juvenile boards to develop court-monitored education programs for expelled students.

- School districts, in conjunction with local juvenile probation departments, should be encouraged to develop educational programs for expelled students.
    - The Texas Education Code should be amended to allow school districts to provide--either directly, through contract, or in concert with other school districts--an educational program for expelled students. School districts with small student bodies are encouraged to set up cooperative arrangements among themselves to maximize staff and resources.
    - Any currently operating alternative education programs may be modified to serve this population.
    - The superintendent should ensure that the school principal (or designee) develops a plan for the student's eventual reintegration into the regular classroom, including a time frame for implementation, in consultation with the school's at-risk coordinator and/or school counselor and the student's parents/guardian.
    - Recognizing that juvenile crime and school safety are community rather than individual agency issues, the state should designate incentive funds for communities to establish model court-monitored education programs. School boards and juvenile boards should apply jointly for competitive grants to be awarded by the Texas Education Agency. Awards of these funds should be contingent upon the programs being collaboratively developed and operated at a minimum by the school, juvenile justice agencies and the mental health system. The awards should also be contingent on a showing that the school has instituted delinquency prevention programs at all levels. Model programs should include conflict resolution and anger management training, intensive counseling and social services for students, community mentoring, peer mediation and peer tutoring, job skills training and careful planning, and monitoring of students' reintegration back into the regular school.
- Responsibilities of the Juvenile Justice System
    - Juvenile courts should fully exercise their authority in compelling students and their parents to comply with requirements of the educational program and reintegration plan established for expelled students.
    - Additionally, each juvenile board (or its designees) shall be statutorily required to meet with the school board(s) (or

designees) within its jurisdiction to establish policies regarding the supervision and rehabilitative services appropriate for expelled students. The boards are encouraged to define policies addressing the role of probation officers at the education site, recruitment of volunteers for mentoring and tutoring expelled students, and coordination with other social service agencies. The boards shall also jointly establish a policy for the appointment of an advocate who is not a school district employee, e.g., a probation officer, parent volunteer or Court Appointed Special Advocate, to represent the student in an expulsion hearing. The scope of the policies developed may extend to other issues including, e.g., truancy and alternative education programs.

- The Texas Juvenile Probation Commission shall be statutorily required to monitor and provide assistance to probation departments in the development and institution of policies jointly established by the boards.

Accountability

Require Texas Educaton Agency (TEA) to set standards and provide incentives for quality alternative and court-monitored education programs.

- Local Responsibilities
  - For each school within a district, the superintendent shall annually report to TEA (1) the number of expulsions; (2) the ethnicity of students expelled and (3) the length of the expulsion periods.
  - Exemplary school staff should be encouraged, e.g., with supplementary pay, to seek assignment to alternative schools.
  - The TEA should establish a peer review system which will allow alternative education programs to monitor each other. Staff of schools designated as TEA Mentor Schools should be heavily utilized in the peer review system.
- State-Level Responsibilities
  - The Legislature should require TEA, in cooperation with local school districts, to develop and adopt standards for alternative education programs that include: (a) academic and behavioral performance measures; (b) individually paced, competency-based curriculum and instruction; (c) low instructional staff to pupil ratio; (d) emphasis on significant counseling support and parental involvement; and (e) strategies to recruit public and private employers to adopt alternative education students and to furnish them with employment, contingent upon the student's participation in school and the student's performance on the job site.

- TEA guidelines should permit pilot programs employing privatized alternative schools.
- Alternative schools should not be structured as more punitive versions of regular education. TEA should aid school districts in designing alternative programs which can measurably improve students' behavior and academic progress. Specifically, a model curriculum should emphasize behavioral skills, reading and math in all subject areas and should be culturally relevant.
- A joint task force composed of members of the State Board of Education and the Texas Juvenile Probation Commission should develop standards, generally based on those for alternative schools, for court-monitored education programs.
- State-level leadership should be provided collaboratively by the TEA, the juvenile justice agencies, the Health and Human Services Commission and its component agencies and essential agencies associated with the Texas Workforce and Employment Council.

The public school system is the best equipped, most broadly supported by the community and most positive environment in which children and youth can learn and develop the skills crucial to becoming productive citizens. A community's interests are best protected by keeping these youth in a school environment and by attempting to correct behavioral problems before they escalate. While the school is clearly the best environment for addressing the ongoing educational needs of these youth, the full responsibility for their complex needs should not be imposed solely upon the schools. Rather, the juvenile justice system and the health and human services system should also be required to provide support services to these youth. Locally controlled programs can best address the safety and educational concerns of a community.

Although the current crisis requires the immediate development of alternative education programs, long-term solutions must also be developed. The state should encourage local investment in prevention efforts including conflict resolution and anger management training, mentoring programs and aggressive efforts to increase parental involvement in the schools.

FISCAL IMPACT

$25 million for a competitive grant program to provide incentives for court-monitored education program for expelled students.

ISSUE 27: Improve truancy reduction efforts

BACKGROUND

Texas law requires children form ages 6 to 17 to attend public school, unless specifically exempted (Texas Education Code § 23.032). In 1993, the legislature added a new provision making it a Class C misdemeanor for a nonexempt child to "[f]ail to attend school for 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period from school without the consent of his parents" (Texas Education Code § 4.251). Similarly, the Texas Family Code classifies such absenteeism as "conduct indicating a need for supervision" (CINS) (Tex. Family Code § 51.03(b)(2)). Parents who fail to require their children to attend school commit an offense under the Texas Education Code § 4.25.

A student alleged to have violated the compulsory attendance laws may be referred to the juvenile probation department by a peace officer or a school attendance specialist (formerly known as the truancy officer). Probation personnel then determine whether the student should be counseled and released, put on voluntary probation or referred to the juvenile court. Courts currently have a variety of options for penalizing truant youth and their parents. Parents may be fined up to $200 if they fail to require their children to attend school. Moreover, courts may sentence both parents and their children to perform community service work (Texas Education Code § 4.25; Tex. Family Code § 54.021(d)(4)).

Most school districts lack the resources to track down truants and provide the follow-up supervision necessary to ensure future attendance. Although probation officers and courts have jurisdiction over truancy cases, the backlog of more serious cases severely limits their capacity to address the problem effectively. Educators and juvenile probation personnel report that, in most instances, neither the truant youth nor their parents ever face any consequence for their violations.

FINDINGS

In a recent survey by the Texas Federation of Teachers, Texas teachers identified unexcused absences as one of the top three problems in public schools.

Research has identified a strong link between failure in school and delinquent and antisocial conduct.

- The Texas Criminal Justice Policy Council reports that 49 percent of the students who gave a reason for dropping out during 1989-90 school year cited their poor attendance record.
- The U.S. Office of Juvenile Justice and Delinquency Prevention has identified "poor school performance" as a behavioral factor that contributes to serious, violent and chronic juvenile crime.

Some communities have dramatically reduced truancy by taking prevention programs to the streets--imposing daytime curfews during school hours, patrolling neighborhoods and visiting the homes of students absent without an excuse. These programs often utilize law enforcement officers, some on a volunteer basis, as staff.

Truancy Reduction Impact Program. The TRIP program in Corpus Christi is a collaborative effort involving five school districts, constables' offices, the sheriff's office and the police department. These law enforcement personnel pick up youth suspected of truancy who are then taken to a central location where an assessment is made and a personal interview is completed before a student is returned to school. Referrals are made to social service agencies when indicated. (The City of Austin operates a very similar program, but with the added feature of a daytime curfew.)

One Corpus Christi precinct participating in the program reported a 50 percent decrease in daytime burglaries and a five to ten percent increase in attendance rates. The program has been operating for nearly two years entirely with in-kind contributions. The program recently received a grant to hire a project director.

Absent Students Assistance Program. The ASAP program was created by Constable Victor Trevino in Harris County Precinct 6. The program is staffed by 250 volunteer peace officers. Each day, the officers visit the homes of students reported absent without an excuse, share with parents information about community resources if the family is in difficulty and make referrals to social service agencies when appropriate. An intensive follow-up component has recently been added for chronic and hard-core truants.

The program started out targeting two middle schools and has expanded to include eight middle schools. An evaluation completed five months after the program was initiated for the two pilot schools showed that attendance had increased from 89 percent to 97 percent. The school board recently contracted with ASAP at a rate of $250,000 annually for services to the eight middle schools in the Houston area.

Currently, statistics on the prevalence of truancy and the impact of various efforts to address the problem are not collected statewide.

- Although the Texas Education Agency does not keep records on *truancy* (as defined in the Texas Family Code), the agency's fiscal year 1995 reporting requirements include a requirement that schools report the number of students who have 18 or more unexcused absences per year, and includes attendance as a factor in its new accreditation criteria.
    - After researching the reporting costs, TEA determined that it would be much less burdensome for school districts to report the number of students with 18 or more unexcused absences than it would be to report the prevalence of truancy, given that is more complicated to determine when a student has missed sufficient days to be classified as truant.

- Until recently, juvenile courts have had primary jurisdiction over truancy cases.
  - The number of juvenile court referrals for truancy over the past decade has averaged approximately 4,402 annually.
  - The majority of these youth are counseled and released after a referral, some are put on voluntary probation and a small percentage are formally adjudicated.
- Justice of the peace courts now have primary jurisdiction over truancy.
  - These courts are not required to report the number of truancy cases, or any other category of juvenile cases, that are referred to them. Unless such requirements are imposed, it will be more difficult to monitor trends.

Peace officers may not have clear authority to enforce compulsory attendance laws.

- The law clearly gives peace officers the duty to enforce attendance laws *in those districts where no attendance officer has been elected* (Texas Education Code § 21.038).
- A recent Attorney General Opinion concludes that the Texas Family Code authorizes peace officers to enforce attendance laws *even where there is an attendance officer serving in the district* (Attorney General Letter Opinion No. 94-058 [July 20, 1994]).

RECOMMENDATION

Encourage the Texas Education Agency (TEA) and the Texas Juvenile Probation Commission (TJPC) to work with local communities to replicate successful truancy programs like those described above.

Statutorily require the TEA to include information on students who are chronically absent (more than 18 days) without an excuse, including statistics indicating the prevalence, trends and efforts to prevent chronic absenteeism, in its regular report to the Legislature.

Statutorily require the Office of Court Administration to gather data on the number, categories and dispositions of juvenile cases, including truancy, referred to the justices of the peace and municipal courts.

Amend the Texas Education Code to make it clear that all peace officers are authorized to enforce the compulsory attendance laws, even if there is an attendance officer in the district.

- These changes will help communities take action to prevent truancy. Additionally, requiring better record keeping will enable communities to determine the effectiveness of their programs and to make the needed modifications.

FISCAL IMPACT:

None.

ISSUE 28: Implement anti-violence/peer mediation programs to reduce violence

BACKGROUND

Anti-violence/peer mediation programs are preventive programs that teach youth methods to resolve conflict without resorting to violence. The programs implemented in the schools help youth, school personnel and community members learn more about themselves and others through improved communication. By allowing students to participate in the resolution of their own disputes, the school and community climate changes and teachers and administrators are able to concentrate more on teaching and less on discipline. Although these programs should not be used as an alternative form of discipline, they can offer a more appropriate and effective school-based dispute resolution method than suspension, detention or court intervention. As a direct result, academic performance improves and the incidence of behavior problems in the schools is reduced.

Currently in Texas, several communities have already begun implementing anti-violence and peer mediation programs into their schools. The Mental Health Association has a Youth Violence Prevention Initiative in the greater Dallas area that is projected to impact over 1,300 youth of all ages in just two years. The Peer Assistance and Leadership program, or P.A.L., is an extensively field-tested and widely-replicated peer assistance program that is currently operating in more than 300 school districts in Texas. In 1992, the Texas Education Agency announced its endorsement of the P.A.L. program for high school graduation credit. The program is currently being adapted for the elementary grades.

Several states, including Oregon, Illinois and Florida, have passed statutes either requiring or recommending that anti-violence and peer mediation programs be implemented in schools.

There are a large number of youth who are already in the juvenile justice system that show signs of abuse. They have been victims of violence at some point in their lives. Studies show that children who are either witness to or victims of abuse are more likely to become abusive themselves. The opportunity to break the cycle of abuse is evident in schools through anti-violence curriculum; however, if the youth have already become delinquent in their behavior, there is an opportunity to educate them about abuse issues while in the juvenile justice system.

FINDINGS

The statistics involving children and violence are alarming.

According to the Coalition for America's Children:

- Every day of the year, one child under the age of 15 is killed by a handgun.
- Every day, 135,000 American children bring a gun to school.

- Firearms are a leading cause of injury in childhood and the leading cause of adolescent homicides and suicides.

Studies show that anti-violence/peer mediation programs are effective at reducing school violence and other behavioral problems in the classroom.

- The School Team Mediation program in Dallas, consistently reported a 60 to 80 percent decrease in discipline referrals.
- The Resolving Conflicts Creatively program in New York City found that 71 percent of the teachers reported less physical violence demonstrated by students in the classroom.
- A program in Maui, Hawaii reported a decrease in the number of fights from 83 to 19 in two years.
- The Fight-Free program at McNair Elementary in St. Louis, Missouri reported a decrease in the number of fights from 55 to three. At Keevan Elementary, 94 percent of the students were fight-free the entire school year and instructional days lost due to suspensions dropped from 144 to six in one year.

RECOMMENDATION

Statutorily direct the Texas Education Agency to revise its rules to include an anti-violence/peer mediation component (Texas Administrative Code for Education §75.29 for grades 1-6, §75.45 for grades 7-8 and §75.65 for grades 9-12).

- Standard information to be included in all programs should be defined in the Essential Elements. The specific type of program implemented at each school should be determined by local administration and faculty. The TEA should offer several sample curricula that can be implemented by school districts and training for the instructors.

Statutorily direct the Texas Youth Commission to incorporate an anti-violence curriculum that includes domestic violence and child abuse issues into the Life Skills training component that is required of all youth at Texas Youth Commission facilities.

Statutorily direct the Texas Juvenile Probation Commission to make anti-violence/peer mediation training available to local juvenile probation departments and encourage the departments to include these programs as a condition of probation.

- These requirements would be an effort at both preventing and modifying at-risk behavior and attitudes of young people.

FISCAL IMPACT

None.

ISSUE 29: Increase parental involvement in the schools

BACKGROUND

Parental involvement has been shown to positively influence children's academic progress. Yet many parents and schools have not actively sought each other's input or cooperation in helping their children's intellectual development. As children progress through school, parent involvement tends to wane, leaving families and schools isolated from the other's powerful influence. Nationwide, states, districts and schools are trying to change the trend by exploring new ways of involving parents in their children's education.

FINDINGS

Increased parental involvement improves children's academic progress.

- A 1994 study on parental involvement shows that children whose parents are active in the school are more likely to thrive academically and participate in extracurricular activities (Nord and Zill, September 1994).
- Another study confirms these findings, showing that pupils whose parents are involved in their education tend to do better academically, are better behaved in the classroom and have parents who are more cooperative with the schools (Epstein).

As children move from elementary school to high school, their parents become less involved in school activities.

- By the time students reach high school, nearly half the nation's parents do not attend any school activities, e.g., PTA meetings, school plays, football games, etc. (Nord and Zill).
- Research has shown that while three-quarters of elementary school parents are moderately to highly involved in their children's school lives, that number drops off quickly when the children enter junior high and again when they enter high school (Nord and Zill).

Some parents may not be able to attend school functions, such as parent-teacher conferences, because school events conflict with their work schedules.

- Many parents work in the evenings or during school hours. For them to meet with teachers, scheduling must be flexible.

Too often parents and teachers do not communicate or work with each other.

- Parents, especially those who are not English-speaking or have not finished their own schooling, may feel uncomfortable participating in their children's education. Garnering their involvement may require a focused strategy.
- Some teachers may believe that parental involvement encroaches upon their teaching. They may not be comfortable soliciting parental input and assistance in the classroom.

New efforts at the state, district and school level have been initiated to increase parental involvement.

- The Texas Education Agency(TEA) is working in partnership with the Texas Parent Teacher Association(PTA) to increase the level of parental involvement. The agencies have held two conferences devoted to developing a training module that will be used for schools and communities to expand and improve parental involvement programs.
- TEA has also created a Parent Involvement and Community Empowerment Initiative, which develops strategies for schools to use to garner community support and parental involvement.
- Many schools and districts have employed innovative strategies to include parents in their children's education. For example, some schools have telephone voice mail, where parents can call and receive a classroom update from their child's teacher and also have an opportunity to leave a message for them.

RECOMMENDATION

Encourage local school districts and schools to increase parental involvement. Districts and schools can use numerous strategies to increase parental involvement, including the following suggestions.

- **Create a parent-friendly school climate.**
  - Set aside drop-in hours for parents to meet with the principal. Design a parent lounge and have monthly parent-teacher luncheons.
- **Communicate frequently with parents about school programs and their children's progress.**
  - Give teachers opportunities to call the homes of their students to introduce themselves and encourage parents to visit the classroom. Host back-to-school nights for parents to meet teachers.
  - Request parent-teacher conferences at least once a year at every grade level.
  - Notify parents of unexcused absences and ask their advice on behavior problems.
  - Establish a parent hotline so that families can stay in touch with school events; make sure it is available to all parents no matter what language they speak.
- **Include parents in school policy-making.**
  - Print policy handbooks and send them to every parent.
  - Create a parent advisory committee.
  - Designate a family advocate for families to serve as a link between families and the school. The advocate can solicit

parent input, set-up parent-staff meetings and interpret professional terms and acronyms for parents at school meetings.

- Provide translation for non-English speaking parents at meetings and events; translate written materials so that families can be fully informed about events and policies.
- Include parents in site-based decision making.

- **Help parents get acquainted with the principals at the junior high and high schools before their children begin at the new schools.**
  - Have high school principals travel to the junior high schools to get acquainted with the parents of the eighth graders;
  - Have junior high school principals travel to the elementary schools to meet the parents of fifth or sixth graders.
  - Have principals explain ways parents can participate in the new school the following year.

FISCAL IMPACT None.

ISSUE 30: Expand school-linked/school-based services

BACKGROUND

Many children contend with social, emotional or physical problems that inhibit them from maximizing their potential to learn in the classroom. School-linked/school-based service programs help to connect these students with programs and services on the school campus. These programs are designed to be cost-effective in providing services by seeking participation and cooperation from different organizations and community resources. Evaluations of these programs have shown that they have a positive impact on at-risk students' academics' progress.

School-linked/school-based service programs are generally operated through a service coordinator who resides on the campus to proactively seek community services and resources that could be helpful to students. These programs bring a variety of services to the campus, such as tutoring, counseling, after school recreation programs, employment training, health services, parenting programs, parental involvement and academic and social enrichment.

School-based/school-linked services help to counter a fragmented social service delivery system which often acts as a barrier to children receiving the attention they require. According to a report by the Center for the Future of Children, the poor education, health and social outcomes for children result in part from the inability of the current service system to respond in a timely, coordinated and comprehensive manner to the multiple and interconnected needs of children and their families.

Communities in Schools (CIS), which is one model for school-based services, was adopted as a statewide drop-out prevention program in 1984, and has since continued to operate through the Texas Employment Commission.

FINDINGS

Students in Texas contend with a number of issues that make it difficult for them to learn in the classroom.

- In 1993, there were 132,883 children who were reported victims of child-abuse.
- Almost one half of the state's 3.2 million students are poor enough to receive a free or reduced lunch.
- In 1991, 24 percent of children had no health insurance.
- Drugs and violence are prevalent in many communities.
- In 1991, 20,000 Texas teenagers gave birth.
- One-third of Texas students drop out of school.

Schools are a logical service center for children and families.

- Schools are the central and dominant institutions in every community. The vast majority of children attend school, making the building an unintimidating place to obtain services.

- Aside from parents, school staff are the next best people in the community to identify children who are contending with social, emotional or physical problems.
- School classrooms, multi-purpose rooms and gymnasiums are often used for only part of the day, and only occasionally in the evenings. The space is ideal for group meetings, youth programs, tutoring, health screenings, parenting classes, etc.
- School-based/school-linked services do not increase the duties of school staff. While these services may be located in the schools and delivered through the schools, they are not the responsibility of the schools.

School-based/school-linked service programs make services accessible.

- According to a May 1994 report conducted by the Texas Research League, school-linked/school-based services are more convenient for parents than the conventional service delivery system. The singular access point makes it easier for parents to have consistent contact with the providers. Also, children's presence on the campus each day precludes parents who work from having to get time off to take their children to the needed service.
- The school-based service coordinator can actively seek community resources that could serve children. School-based/school-linked service programs act as a magnet, drawing numerous programs to a specific area. At the Widen Elementary School in Austin, for instance, The School of the Future Project (a similar program to CIS funded by the Hogg Foundation) has brought to the community the Girl Scouts, the Austin Boys and Girls Club, tutors from the University, an arts program by the Austin Children's Museum and an after-school program put on by Austin Wilderness Counseling, to cite only a few.
- Students who receive services on campus are absent less frequently for doctor's appointments or sick days.

School-based services are cost-effective.

- Coordinating social services at a school center can avoid duplication of services, help identify problems before they require costly crisis care and reduce the marginal cost of service for each child.
- The goal of school-based/school-linked service programs is to create relationships with all the existing resources in the community and connect the services with the students in need. The program itself does not fund the numerous services, but rather funds a coordinator to seek existing resources and in-kind services.
- The CIS and the School for the Future models suggest hiring a minimum of one full-time coordinator at each campus. The CIS model suggests that two full-time staff people are optimal. One staff member could be a repositioned staff from a local organization or a college intern. Both models estimate a staff position as costing $50,000, including salary

and benefits (The cost of a coordinator is equal to the cost of funding one school counselor.)

School-linked/school-based services have a positive impact on students' academic progress.

- An evaluation covering school years 1985-86 and 1986-87, conducted by the Institute for Management Information System Applications, showed that in two years CIS was exceptionally effective at meeting its goals. Nearly 95 percent of the participants remained in school. Over 89 percent of those demonstrating behavior problems, predelinquent and delinquent behavior have stayed out of serious trouble. Over 55 percent of the participants who took part in the job preparedness activities were employed. Over 41 percent of those failing mathematics and nearly 38 percent who were failing English prior to their participation had raised their grades to passing levels. Absences have decreased by 18 percent.

- The CIS program received another complete evaluation in 1993 by the Publishers Resource Group. The results showed that: 93 percent of the students completed the academic year; 95 percent of the seniors graduated; 75 percent of students referred to CIS for delinquent acts did not recidivate; and on average, absenteeism was reduced by 14.3 percent.

The state currently supports school-based/school linked service programs.

- CIS is administered by the Texas Employment Commission and received $27.2 million in state funding for fiscal years 1994-1995: $25.6 million from TEA's Compensatory Education Fund and $1.6 million from the Job Training Partnership Act. CIS currently is in operation on 295 campuses in 23 cities in Texas. Of those, 244 campuses receive some state funding for CIS; the others are funded locally but benefit from technical training put on by the state. The program operates as a 501(c)(3) nonprofit with a public/private sector board. Each board oversees activities on many campuses citywide. In the 1992-93 school year, approximately 100,000 children were served by the state CIS program. Programs exist on elementary, middle and high school campuses.

Expansion of school linked/school-based services can be approached most cost-effectively by targeting high-risk campuses.

- At an annual cost of approximately $50,000 per campus, the cost for school-linked/school-based services would be prohibitive on every campus in the state. The cost would be as follows for campuses with high percentages of economically disadvantaged students (130 percent of poverty):

  For campuses at 90 percent and over of students economically disadvantaged: $22.5 million (450 schools).

For campuses at 80 percent and over of students economically disadvantaged: $47.5 million (953 schools).

To cover schools with high percentages of students designated at-risk (a full description of an "at-risk" student is described in section 21.557 of the Texas Education Code; at-risk designation includes such factors as being behind in grade level, not passing a certain number of classes, being a parent or being pregnant, having limited English proficiency, etc.), the cost would be:

- For campuses with 90 percent and higher of students at-risk: $8.5 million (171 schools).
- For campuses with 80 percent and higher of students at-risk: $16.8 million (336 schools).
- For campuses with 70 percent and higher of students at-risk: $34.7 million (694 schools).

These cost estimates do not take into account the costs associated with training and technical assistance, which need to be provided at the state level.

RECOMMENDATION

Provide additional funding, when available, for school-based/school-linked service programs.

- This money should go to the Texas Employment Commission, to be administered through the CIS office.

FISCAL IMPACT

None. However the Commission strongly encourages the Legislature to give high priority to increased funding in this area in the next legislative session.

ISSUE 31: Give students credit for community service

BACKGROUND

Youth volunteer service has become increasingly popular in communities and schools across the United States. State and national research has highlighted community service for the valuable and lasting relationship that it can create between young people and their community. Consequently, community service is being considered more and more as part of a school's possible curriculum offerings. The concept focuses on creating a stronger bond between the community and the school districts and at the same time creating a sense of patriotism and civic responsibility for students by making course content more relevant to them.

Through volunteer work, both the student and the community stand to benefit. As communities face economic and social changes, volunteer service becomes more essential. The advantages to be gained by a young person through community service can build a person's understanding, awareness and sense of responsibility.

FINDINGS

Some school districts in Texas have already incorporated the concept of community service learning into their curriculum and offer credit through a content area such as social studies or science.

- Some mentor high schools and middle schools promote the concept of community service learning as part of the school curriculum.

Research has pointed to community service as an effective way to teach students social awareness and responsibility, as well as individual self-esteem.

- The National Commission on Children and Youth states that adolescent development is enhanced when youth are able to assume meaningful roles and to contribute to the well-being of others. In addition, volunteer service builds skills that prepare young people for the workforce by presenting them with constructive alternatives to high-risk behaviors and by laying a foundation for lifelong civic participation.
- Community service learning is part of the Texas State Board of Education middle school policy statement, *Spotlight on the Middle* and high school policy statement, *One Student At A Time*. These reports support the concept of community service learning as a method of increasing social responsibility and greater participation in a democratic society.

Communities across the nation have recognized the importance of youth involvement in community service.

- Vermont requires students to complete research or citizenship projects, which can be done through community service.
- Maryland requires all of its school districts to offer credit for volunteer service.

- In the school districts in both Atlanta and Detroit, community service is a prerequisite for graduation.

There is a growing movement to incorporate community service with academics at the college level.

- In 1991, Baylor University adopted a Civic Education and Community Service elective for students in its Arts and Sciences programs. Due to the growing popularity of the course, seven sections will be offered in Fall 1994, ranging from a one-hour to a three-hour credit course.

  Baylor University's course curriculum includes an academic component, such as readings and journal entries, and weekly community service. Examples of Civic Education and Community Services sections offered in Fall 1994 include: *Neighborhood as a City Campus*--involving a neighborhood association and its efforts to revitalize the neighborhood; *Poverty in Waco*--involving work with the homeless and those in poverty; *Literacy and the Democratic Community* - involving literacy programs; *Mentoring Adolescents* - involving work with at-risk students; and *Community Law Enforcement* - involving the adult probation system.

RECOMMENDATION

Statutorily require the State Board of Education to approve elective credit towards graduation for community service.

- This recommendation would serve to support those youth who are already involved in their communities as well as to provide an incentive for other youth to participate in community service programs. Local districts would be able to choose to offer the elective credit or not. In addition, the districts would have the flexibility to mold the program to their particular community.

Statutorily require each public institution of higher education to establish an elective course incorporating community service.

- The Texas Higher Education Coordinating Board should be responsible for approving and monitoring courses established at each institution. Courses should include an academic component as well as service in the community. Institutions should be given flexibility in designing courses that fit the talents of their professors, the needs of their communities, the number of credit hours to be earned and the office/college that will administer the course. Students enrolled in the course should be required to complete at least 15 hours of community service per hour of credit earned for the semester.

FISCAL IMPACT

Some costs could be incurred by local school districts and public institutions of higher education, depending upon the need for additional staff to develop and supervise these programs, but these costs should not be significant.

ISSUE 32: Reduce administrative burdens on school counselors

BACKGROUND

Current law charges school counselors with the role of designing, implementing and evaluating a program to counsel students regarding their social, emotional, psychological and academic needs. This includes working with teachers and parents to identify and address problems and issues that affect students' ability to learn.

Despite the description of a school counselor's duties which currently resides in Section 21.795 of the Texas Education Code, counselors' responsibilities are becoming increasingly administrative. Counselors' time is often consumed by non-counseling duties, such as clerical assistance and the numerous tasks associated with standardized testing. Many counselors are relegated to doing administrative tasks that do not include duties ascribed to them in the Education Code. Children's counseling needs are, therefore, not being well met.

FINDINGS

Counselors are professionals with specific skills in children's developmental guidance and counseling in the educational process.

- The vast majority of school counselors in Texas have a Masters degree in counseling.
- A counselor must have three years classroom teaching experience to be certified.

Counselors are often assigned tasks that are not part of their formal duties under the Texas Education Code.

- Counselors are often asked to assume the role of testing coordinator. In February, the Texas Association for Assessment in Counseling published the results of a survey conducted at a statewide conference where counselors reported concerns about their duties. The counselors felt that their time was disproportionately used for clerical duties and tasks associated with testing, which they felt were inappropriate duties for a professional.

Counselors' time is best used when distributed between guidance curricula, responsive services, individual planning and system support.

RECOMMENDATION

The statutory description of school counselors' duties should be amended to include the following:

- Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of those who are at risk of dropping out of school, becoming substance abusers, participating in gang activity, committing suicide, or who are in need of modified instructional strategies;
- counsel students, individually or in small groups, in relation to educational, career, personal and social needs and make referrals when appropriate in consultation with the student's parent or guardian;

- assist all students as they plan and monitor their own educational, career, personal and social development;
- consult with teachers, school staff, administrators, parents and other community members to help them increase the effectiveness of the students' education and bring about student success;
- coordinate people and resources in the school, home and community to fully develop the students' academic career, personal and social abilities and provide educational opportunities that meet real world needs;
- interpret standardized test results and other assessment data to students, parents and teachers, helping them to identify students' abilities, aptitudes, achievement level and interests and to make educational and career plans; and
- deliver classroom guidance activities and/or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum.

The amendments to the description of counselors duties more accurately describes the appropriate role of counselors.

Move the description of school counselors duties from Section 21.795 of the Texas Education Code to Section 13, alongside the description of Superintendents and Principals duties.

- The move is intended to better highlight the state's intention for having counselors on school campuses.

FISCAL IMPACT

None.

ISSUE 33: Require developmentally appropriate curriculum and instructional practices for early childhood education programs

BACKGROUND

As accountability is increasingly tied to student performance on tests, many schools resort to curricula that demands rote drill and remediation methods to yield quick results on standardized tests. In an effort to cover state curricula and prepare students in the lower grades for the tests they will face in later years, schools push this curriculum down to the early childhood and primary levels.

Although it is well documented that early childhood education is critical to the later success of children, curriculum for this age group is not appropriately addressed in the Texas Education Agency's(TEA) Essential Elements, which is the standardized guide for classroom teachers about subject matter. Research indicates that attention must be directed to children at the earliest level to promote success in school and the real world.

FINDINGS

Developmentally appropriate education is tailored for young learners.

- It is age appropriate--focusing on the ways children grow and develop;
- It is individually appropriate--fostering individual students' interests and understanding;
- It is culturally and linguistically appropriate--valuing the rich variety of languages and learning experiences children bring with them to the classroom; and
- It supports the social nature of learning--providing ample opportunities for teacher and student interaction.

Recent efforts in Texas have focused on the importance of developmentally appropriate curriculum and instructional practices in the early grades.

- The Early Childhood and Elementary Task Force, established by the State Board of Education, recommended in its January 1994 report, *First Impressions/Primeras Impresiones,* that TEA develop frameworks for early childhood and elementary education that tie balanced, developmentally appropriate curriculum to current research on child development and developmentally appropriate classroom practices. The report endorses an integrated approach, emphasizing experiential learning for young children.
- In 1991, the State Board of Education approved restructuring the Essential Elements to be centered on developmental domains rather than discrete skills and isolated subject areas. The developmental domains that are included in the new early childhood curriculum are intellectual development, physical development, aesthetic development and socio-emotional development. The curriculum will not be available until September 1995, but many school districts across the state have

already implemented it in their prekindergarten and kindergarten classrooms.

Other states have passed legislation to incorporate developmentally appropriate curriculum and instructional practices into law.

- The State of California passed legislation in 1992 authorizing integrated, experiential and developmentally appropriate programs, which it defines as "a program that is designed around the abilities and interests of the children in the program and one in which children learn about the various subjects simultaneously, as opposed to segmented courses, and through hands-on or active-learning teaching methods that are more appropriate for young children than the academic "textbook" approach (CA 1992, CA Stats., Chap. 1082, Sec. 8971 (c)).
- The Head Start Collaboration Project is supportive of California's efforts to better meet the developmental and intellectual needs of its young children.

RECOMMENDATION

Statutorily define a developmentally appropriate curriculum in the Texas Education Code.

Statutorily require the Texas Education Agency to amend its rules to group prekindergarten through grade three Essential Elements under developmental domains rather than subject area headings.

- Young children's learning should be supported with curricula that is complex and multidimensional, with opportunities to not only achieve skills but to apply them toward the acquisition of knowledge. This is promoted through the use of developmentally appropriate practices.
- TEA should be directed to broadly define the curricula and leave details to local school districts. Through direction from TEA, Regional Education Service Centers should provide training in developmentally appropriate instructional practices for school teachers and administrators and set up networks of early childhood and elementary mentor schools to work with schools implementing developmentally appropriate instructional practices.

FISCAL IMPACT

TEA may incur some costs of developing the criteria within the Essential Elements that better target prekindergarten to 3rd grade but this can be done within existing resources.

ISSUE 34: Use innovative methods to reach at-risk students

BACKGROUND

The decade of the 1980s was a period of significant education reform. This reform movement was highlighted by the passage of several pieces of legislation in Texas, focusing primarily on achieving higher academic standards based on increased testing. House Bill 72, passed in 1985, contained a critical assumption that grade promotion was to be based primarily on test results. This assumption is still largely supported by public opinion which shares the view that the threat of failure will inspire students to perform and the increased standards will ensure the integrity of a high school diploma, leading to further education or productive employment.

The Texas reforms in the 1980's were intended to ensure the success of students in at-risk situations but, in fact, exacerbated an already questionable fate (Texas Education Agency, 1994). The implementation of these reforms resulted in increased reliance on remediation and retention practices. In response to the abundant literature about the ineffectiveness and high cost of remediation and retention practices House Bill 1314 that was passed in 1991. It replaced the previous requirement of automatic retention for students with a grade average of below 70 with a list of other options for school districts to pursue.

Schools are caught in a difficult dilemma: on the one hand, they are unwilling and unable to pass students who have not mastered the curriculum, and on the other hand, they are striving not to retain students under the guidance of abundant research and House Bill 1314. Old methods of remediation and retention have proved ineffective, yet passing children from grade to grade without adequate skills only leaves them further and further behind. The question then arises, what should school districts do to best help these children succeed?

FINDINGS

Recent education research shows the practices of retaining and remediating students to be counter-productive.

- According to *Closing The Gap*, the first study included in the Commissioner of Education's Critical Issue Analysis Series:
  - In over 800 studies, researchers repeatedly found that keeping students back another year proves to be a counter-productive strategy. Students held back seldom catch up academically.
  - A student, after being retained twice, is 90 percent more likely to drop out of school.
  - Despite this knowledge, the practice of retention continues and is even growing in Texas.

Within the state definition of a "student at risk of dropping out," one of the four main indicators Texas uses is whether or not the student has been retained more than once. The Texas Education Agency (TEA) estimates that 5.2 percent of Texas students are retained each year, resulting in 38 percent of ninth graders being over appropriate age during the 1992-93 school year.

Research indicates that traditional remediation and retention practices, because they tend to be broad, repetitive and basic, often fail to motivate those students most in the need of high interest levels. Students who have fallen behind are too frequently assigned low status and have had low expectations communicated to them.

Accelerated Instruction is a promising approach to improving achievement for at-risk students.

- Accelerated Instruction is a model of total school renewal currently being recommended by the TEA. Major components include:
    - A focus on student strengths instead of weaknesses;
    - Setting high expectations;
    - A quicker instructional pace;
    - Stimulating and diverse instructional practices;
    - Increased involvement and responsibilities from all parties involved in the school, including students, parents, teachers, administration and community members; and
    - Retraining of all participants within the educational process.

  Initial evaluations on some of the participating schools show increased achievement on standardized tests (TEA, 1994). Accelerated Instruction requires significant reforms in the way curriculum and instruction are traditionally practiced; the traditional repetitive remediation practices are replaced with highly interactive fast-paced lessons to increase student interest and motivation.

RECOMMENDATION

Encourage local school districts to use innovative models, such as accelerated instruction, to teach at-risk children.

- Schools need to offer an exciting and challenging environment for all students, especially for at-risk children. Communities are encouraged to contact the Office of Accelerated Instruction within TEA for further information about how to go about implementing a program within their schools.

FISCAL IMPACT

Initially communities will incur the expense of retraining school and community members to learn how to effectively implement accelerated instruction. These costs, however, should be offset by the savings created by reducing the number of students retained. A recent study estimates the cost of retention in Texas to be about $1 billion a year (TEA, 1994). If even a fraction of these costs are reduced, it would have a significant positive impact on Texas schools.

ISSUE 35: Include students with disabilities in regular classrooms

BACKGROUND

This year, the State Board of Education released a policy statement that encouraged the concept of educating more students with disabilities in the regular classroom setting. With this, Texas began to focus on student achievement, excellence, and equity in education for all students including those with disabilities.

While support for the concept of inclusion is growing state and nationwide, communities need to make sure inclusion is occurring within their schools. Texas is currently developing 190 inclusion pilot projects across the state. This, however, is only a small step in beginning to meet the needs of all disabled children within the state.

FINDINGS

The growing diversity of the general education population is taxing the special education system.

- With the number of Texas students considered either eligible for special education or at-risk, it is no longer possible to shift the burden of teaching problem students to special population teachers. Thus, even without students with disabilities, general education teachers still need teaching strategies that can effectively help them respond to a wide range of student abilities.

In July 1994, the State Board of Education adopted a policy statement encouraging the concept of educating more students with disabilities in regular classroom settings.

- Currently, hundreds of schools around the state are including students with disabilities in classrooms with their non-disabled peers. In order to further promote this trend, the State Board of Education issued a document entitled *Policy Statement on the Education of Students with Disabilities*. This policy states that "the ultimate goal of service delivery for students with disabilities is their integration and participation in the general education program when it meets the identified needs of each student." It also includes a guiding philosophy and suggestions for changes in assessment, curriculum, instruction, professional growth and development, school organization and the roles of the families and communities.

A growing body of research shows that inclusion of disabled students within regular classroom settings works.

- Inclusion is the practice of providing educational services in the regular classroom to students with disabilities. A literature review of documented benefits of inclusive school programs revealed a number of benefits.

Benefits for Students with Disabilities

- Acquisition of social and communication skills;
- Increased interest levels in student interaction: appropriateness and frequency of interaction with peers;
- Positive post-school adjustment and employment after graduation;
- Increased achievement of individual education plan (IEPs) objectives; and
- Higher quality IEPs developed for students in general education placements and integrated placements.

Benefits for the General Student Population

- More accepting attitudes towards people with disabilities;
- Participation in integrated activities and settings linked to positive attitudes toward peers with disabilities; and
- Improvement in self-concept, growth in social cognition, increased tolerance of other people, reduced fear of human differences, interpersonal acceptance and friendship.

Benefits for Parents of Students with Disabilities

- More positive parental expectations linked to participation in integrated activities and settings; and
- Wider circle of friendships, i.e. friendships developed with parents of normally developing children.

Benefits for Teachers

- Ability to accept, implement and be open to change, increased level of professional confidence, improved planning skills and increased awareness of all students needs.

Impact on the School Environment

- School environment in which cooperation, collaboration and active learning procedures characterized teaching environments of schools operating with an outcome-based and inclusive framework (McGregor, Gail)

RECOMMENDATION

Encourage communities to educate students with disabilities in regular classrooms.

- All children, including children with disabilities, deserve to develop to their full potential. Communities should adopt practices which facilitate this goal, such as those described in the State Board of Education's *Policy Statement on the Education of Students with Disabilities.*

FISCAL IMPACT

None.

ISSUE 36: Train teachers, administrators and staff to recognize and report child abuse

BACKGROUND

As the profession that is most closely in contact with children, teachers are often the first to detect signs of child abuse. Many, however, may fail to quickly recognize signs of abuse because of lack of training. Others may actually fail to report suspected abuse for fear of reprisal by a member of the victim's family. Still, others may not know of their legal obligation to report any suspected abuse.

Teachers can be held legally responsible for not reporting child abuse; however, not all educators receive the proper training on how to detect child abuse or are made aware of their obligation to report any suspicions of abuse. School districts should protect their students and the liability of their own staff by providing training on how to detect and report suspected child abuse.

FINDINGS

Any person is liable if they do not report suspected child abuse.

- The Texas Family Code, §34.07, states that "a person commits an offense if the person has cause to believe that a child's physical or mental health or welfare has been or may be further adversely affected by abuse or neglect and knowingly fails to report."

Currently, school districts must provide a certain amount of training to their staff but are not required to provide training in any specific subject areas, such as child abuse and neglect.

- School districts are required to provide not less than 20 hours of staff development under guidelines provided by the Commissioner of Education (Texas Education Code §16.052(b)). According to Section §11.208(a) of the Texas Education Code, "subject areas may include recognition and response to signs of abuse and neglect in students."

RECOMMENDATION

Encourage school districts to offer an inservice class to train teachers to recognize and report child abuse and neglect.

- This training would instruct teachers of their legal responsibility to report suspected child abuse and of the possible ramifications if they do not.

FISCAL IMPACT

None.

ISSUE 37: Keep youth in school and transition them from school to employment

BACKGROUND

Many youth do not develop the skills necessary to gain employment once they are out of school. Students in Texas often quit before finishing high school, and those who do graduate are often unprepared for the workplace.

The 73rd Legislature established the state structure and framework for developing a school-to-work transition system in Texas. Senator Rodney Ellis authored Senate Bill 367 (the Workforce Development Initiative for Youth), which created the Youth Apprenticeship and Career Pathways Design Committee, which will provide recommendations to the 74th Legislature for the design and implementation of a system to provide an effective long-term transition from school to employment. The Committee is working under the direction of the Texas Council on Workforce and Economic Competitiveness (TCWEC), formed by the recent consolidation of several education and job training agencies.

FINDINGS

The Youth Apprenticeship and Career Pathways Design Committee, established under the Texas Council on Workforce and Economic Competitiveness, discovered a wide disparity between what Texans know and what they need to know to ensure a productive, competitive workforce.

- Many Texas high school students do poorly on the Texas Assessment of Achievement Skills (TAAS) test. Of the high school sophomores who took the 1993-94 TAAS examination, 19 percent failed writing, 24 percent failed reading and 43 percent failed mathematics.
- Texans frequently quit school before graduating.
    - Texas ranks 41st among the states in the percentage of students who graduate high school on time; one-third of students do not graduate on time (Annie E. Casey Foundation).
    - Texas has more school dropouts than the entire nation of Japan, with a population eight times larger than Texas'.
    - The problem of dropouts not only limits the state's competitiveness in the global marketplace, but also hampers the ability of these youth to provide for themselves once they are adults.

To remain competitive, Texas industries require better skilled workers.

- According to *Thinking for a Living*, (Marshall and Tucker), the tasks of front-line workers require the capacity for abstract, conceptual thinking; the ability to apply abstract thought to complex real-world problems; communication skills, including computer-based systems, requiring mastery of written English and reading technical manuals; the ability to work in a team, including resolving conflicts with colleagues; and independent judgment, self-initiative and responsibility of work.

However, only about 15 percent of American high-school graduates have these higher-order skills.

- According to a Texas Council on Vocational Education survey, inmates claim their problems started with poor performance in school which made them turn to drugs and/or dropout. Lack of a career path or a sense of subject relevancy was a recurring theme.

The TCWEC Design Committee found that the public education system must undergo a philosophical shift to recognize all children's abilities to learn.

- The premise that all students can learn is not well-established or practiced in American schools, despite the fact that different rates of learning do not reflect basic ability or capability. Instead, students' differential rates of learning are addressed by expecting less of some students rather than giving them more time and attention to accomplish the same high standards. Students are forced to conform to the instructional schedule laid out by the school district or teacher, rather than following their own pace of learning readiness.

- Schools accept lower academic standards for the 50 percent of the student population not headed for college. Until the later part of this century, these lower standards did not necessarily lead to low wages or an uncompetitive economy. However, this has changed. While new jobs in the year 2000 are predicted to require almost two years of education beyond high school, students increasingly drop out without diplomas and many more take watered down courses that allow them to perform at academic levels below what should be acceptable and will be required in the workforce.

Even for students capable of succeeding under the current American education system, many have little understanding of career choices or opportunities for meaningful school-to-work transition.

The TCWEC Design Committee has developed a proposed school-to-work transition program structured around several components:

- Creation of a Skill Standards and Certification system to measure and certify students' achievement and demonstration of foundation skills (reading, writing, mathematics, speaking, listening and thinking) and workplace competencies (the ability to use resources, work with others, acquire and use information, understand systems and apply technology).

- Development of curricula based on competencies identified by employers that students should attain, rather than on courses. The system would include hands-on teaching of academic content and skills in an applied context.

- Training for all educators, counselors, employers and workplace mentors on how to develop and delivery competency-based instruction in the school-to-work system.

- Development of strategies to engage business, industry and labor.
- Creation of a follow-up and accountability system. The system would include follow-up of youth completers of the system, and funding incentives to reward providers who make changes to implement the school-to-work system.
- The recommendations provide a comprehensive approach, integrating various roles and responsibilities within the Texas Education Agency, the Texas Higher Education Coordinating Board, the Texas Employment Commission, the Texas Department of Commerce, the Texas Department of Human Services, the Texas Rehabilitation Commission, the Texas Commission for the Blind, the Texas Council of Workforce and Economic Competitiveness and regional school-to-work partnerships involving business and industry.

RECOMMENDATION

Since the Texas Council on Workforce and Economic Competitiveness is conducting a comprehensive study in the area of school to work transition, the Commission did not undertake similar research. Legislation will be introduced in the 74th legislature to begin phasing in the recommendations developed under the direction of the TCWEC on the design and implementation of a system to better keep youth in school and provide an effective transition from school to employment. TCWEC has already received over $600,000 for development of the proposal and will be applying in Spring 1995 to the federal Department of Labor and Department of Education, for a three year grant of approximately $10 million.

FISCAL IMPACT

None.

ISSUE 38: Support pay raises for teachers

BACKGROUND

The Texas Public Education Compensation Plan (Texas Education Code §16.056) establishes a state minimum salary for teachers based on degree status and experience. This statute establishes the floor of teacher compensation, accounting for approximately 84 percent of teachers' actual pay. Texas teachers have not received a salary increase from the state since 1989, when each step of the state minimum salary scale was increased by $1,140 per year. However, this increase did not have any impact on most teachers, because most were already being paid above the state minimum, and when the state increased its share of funding, the local districts reduced theirs by the same amount.

In 1984, Texas teacher salaries temporarily come up to the national average when a large increase in state and local funding for schools resulted from the passage of House Bill 72 authored by Representative Bill Haley furing the 68th Legislature. This increase actually resulted in a $1,700 per year salary increase for teachers. In addition, the career ladder was implemented, which allowed those teachers who qualified to earn a salary supplement. However, the career ladder was discontinued by the 73rd Legislature except for those teachers already receiving a salary supplement.

Legislative action could affect teacher pay through either of two mechanisms. The Legislature could raise teacher pay by raising the minimum pay scale, although the extent to which a percentage increase in the floor raises total pay depends on whether local districts are paying below the new salary minimum. It is important to note that raising the state minimum salary schedule does not increase state costs--the increased salary obligation is borne entirely by local school districts. House Bill 72 also changed the funding allocation process. Since then, funds are no longer allocated to districts specifically for teacher salaries but are allocated on the basis of a per pupil allotment.

The second mechanism by which the Legislature could increase teacher pay is through its power to set the basic allotment (Texas Education Code § 16.101). Raising the basic allotment increases total revenue for public education, an increase whose cost is shared by the state and school districts.

The two mechanisms differ in the flexibility that they afford local school districts. Increasing the salary schedule increases districts' unit costs, forcing them to pay more for the teaching force that they already have whether or not the pay increase is the best investment of those funds. Raising the basic allotment, on the other hand, increases districts' resources but allows greater flexibility in applying those resources to attract and retain the workforce best suited to their needs. This would allow districts to design their own incentive programs to attract and retain talented teachers and those with specialized skills.

FINDINGS

Teachers in Texas are underpaid in comparison to other states, ranking 34th nationally and 12th out of the 15th most populous states.

- In 1993-94, the estimated average annual salary of Texas teachers was $30,519, ranking Texas 34th in the nation for teachers' salaries (14

percent below the national average of $35,958), and 12th out of the 15 most populous states (*TEA, 1993/LBB*).

- The state minimum salary scale ranges from $17,000 per year for beginning teachers to $28,400 for teachers with 15 to 18 years of experience. (Texas Education Code §16.056)

The problem of low teacher pay in attracting and retaining quality instructors may be compounded by the increasingly challenging circumstances in which teachers work.

- Violence on campus has increased: a 1991 survey by the National Center for Education Statistics (NCES) revealed that one-half of all teachers have been verbally abused by students, and seven percent have been physically attacked.
- Robbery, theft, vandalism, student weapons, drug usage and racial tensions have all increased, making the school environment an increasingly stressful place (TEA 1993).

Raising teacher salaries to the national average would require significant additional revenue.

- As an example of a proposed teacher salary increase, the Association of Texas Professional Educators has devised a Career Compensation Plan which includes a one-time $1,500 raise for all teachers to their current salary, and then adjustments upward every two years based on the national average of low and high salaries paid the previous year. The Association of Texas Professional Educators'(ATPE) proposal would cost an estimated additional $500 million for fiscal year 1995.

A teacher salary increase could be linked to increased teacher training requirements and a lengthened school year.

- Legislators may be more willing to increase state funding for teacher salary increases if they perceived that children would directly benefit from the increase.
- Teachers are currently required to complete 20 hours per year of inservice/training.
- The current school year is 183 days, with three days for teacher preparation.

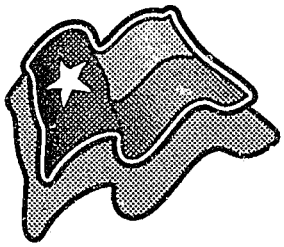
RECOMMENDATION

Support teacher pay increases, as funds become available.

- Increases could be phased in over several years or biennia. The National Commission on Children advises states to link pay increases and incentives to demonstrated competence. This concept could be promoted by increasing the basic allotment, thereby giving local school districts greater choice in the design of their salary structure. The Legislature may also want to consider linking teacher salary increases with increased teacher training requirements and a lengthened school year.

FISCAL IMPACT

This recommendation requires no specific increase in funding. The Commission wants to support this area as a priority in the upcoming legislative session, and as a long-term goal for increased funding.



Safeguarding Our Future

Children & Families First

Goal 5:
All Texas youth will be deterred from crime or face a significant initial response before their behavior escalates

GOAL 5: DETERRING YOUTH FROM CRIME

"There ought to be penalties from the earliest offense steadily intensifying in severity with the commission of additional offenses so that juveniles are treated by the state the way we treat our own children. You don't ignore the fact that they're wrecking the house until they finally burn it down. You try to deal with it right away."

James Q. Wilson, Criminologist

University of California at Los Angeles

The crisis in the juvenile justice system has become a major topic of discussion, fueled by a daily barrage of news reports of increasingly serious crimes being committed by younger and younger persons. These trends will never be reversed without a comprehensive plan of attack. Texas cannot afford to settle for immediate short-term responses without addressing long-term solutions. While there is a natural inclination to simply call for harsher punishments for juvenile offenders, experience has shown that there are no simple solutions to this complex problem. The long view requires an examination of the root causes of juvenile crime.

Most often it is family problems that, left unaddressed, become juvenile justice problems. As Jonathan Freedman has observed, "[t]he steps we take to help people grow and to support families will determine whether this nation has a secure future or prematurely declines" (Technical Assistance News, 10/20/93). Declining interest in school, increased substance abuse and negative peer pressure all contribute to delinquency. And far too many youth in the juvenile justice system come from families lacking in nurturing, discipline and respect. Children are experiencing more violence in their lives, with shootings in their neighborhoods becoming increasingly common. Children will not be persuaded to stay in school and out of trouble--to plan for the future--until they have the safety and security they need to believe in the future.

Accordingly, several primary principles should guide leaders as they tackle juvenile crime:

- The juvenile justice system must remain separate and distinct from the adult criminal justice system. Only about eight percent of juvenile offenders are responsible for the majority of the most violent offenses (Office of Juvenile Justice and Delinquency Prevention Fact Sheet, July 93). More stringent punishment and incarceration policies should address these few offenders, while community-based programs designed for rehabilitation must be continued and strengthened. The Texas Youth Commission's (TYC) institutional capacity needs to be expanded to protect the public from violent and predatory youthful offenders, but this expansion should not come at the expense of local

juvenile probation programs. Unless the state supports local programs aimed at prevention and intervention, as well as state programs for the most serious juvenile offenders, the cycle of juvenile violence will never be broken.

- The law should provide meaningful consequences for delinquent acts, beginning with the first contact with the system. Children, no matter how minor the offense, must be made to realize their obligation to the victim of their acts and to society in general. Screening and assessing the problems of the juvenile and the family and addressing those problems at the first contact is critical.

- The first goal of law enforcement and social policies should be to protect the personal safety of all citizens regardless of where they reside. This basic human need must be addressed before more complicated social problems can be solved.

Some background about the juvenile justice system in Texas will help set the context for the recommendations that follow.

Year	Number of Juvenile Arrests	Arrest Rate per 100,000 Juveniles
1983	83,695	4,875
1989	108,370	6,083
1990	121,226	6,641
1991	131,201	7,048
1992	136,415	7,156
1993	152,379	7,768

Juvenile boards have the primary responsibility for the administration of juvenile justice in their jurisdictions. According to the Texas Juvenile Probation Commission, in 1992 there were 112 single county juvenile boards and 93 multi-county juvenile boards, most often composed of district judges, county court-at-law judges and the county judge. Juvenile boards oversee juvenile services by appointing the chief probation officer, reviewing and approving the juvenile probation department's annual budget request and designating the juvenile court(s) and juvenile judge(s).

Juvenile probation departments implement the policies of the juvenile boards, provide a wide variety of services for juveniles referred to the juvenile justice system, supervise youths on probation or informal adjustment and operate juvenile detention centers. About 98 percent of juvenile cases are resolved locally, with the remaining two percent requiring commitment to the Texas Youth Commission.

The Texas Juvenile Probation Commission (TJPC) was created in 1981 to assist counties in improving juvenile probation/detention services throughout Texas. Prior to 1981, the state had no formal oversight of juvenile probation and detention services. TJPC's duties include setting program and fiscal standards for the 160 juvenile probation departments; monitoring program and fiscal standards; providing technical assistance to juvenile boards and probation departments on a wide variety of issues; training, certifying and setting educational and training standards for juvenile probation and detention officers; and distributing state funds to juvenile probation departments.

Of the $128 million spent statewide by juvenile probation departments in 1993, about 70 percent came from local funds, about 28 percent came from TJPC and about two percent came from federal funds.

The Texas Youth Commission (TYC) is responsible for the rehabilitation of youth committed to it by the juvenile court, through institutional care, residential treatment and parole services. The agency operates residential facilities for about 2,000 youth and supervises another 2,000 youth on parole.

The immediate problems facing the juvenile justice system must be solved while at the same time the causes of these many problems must be addressed. It is clear that government alone cannot solve these problems. There will never be enough prisons, police or juvenile probation officers to remove offenders from the community. Churches, businesses, service clubs and individuals must join hands in a covenant to stop the loss of another generation and begin the slow but certain process of restoring Texas' troubled youth, one child at a time.

This section of the report deals with the front end of the juvenile justice system, focusing on first offenders, and proposes prevention and intervention initiatives that aim to steer youth away from crime and make a youth's first offense his last.

In sum, the Commission's recommendations in this area are as follows:

- Make first-time offenders face real consequences;
- Hold parents accountable;
- Remove statutory barriers to curfews;
- Give juvenile courts more sentencing options;
- Reduce over-representation of minority youth in the juvenile justice system;
- Assess youth at first contact;
- Share information about delinquent youth;
- Seal records of rehabilitated youth;
- Intervene early when young children break the law;
- Improve services for mentally impaired offenders;
- Expand substance abuse treatment for juvenile offenders;
- Increase community-based prevention efforts; and
- Limit children's unsupervised access to firearms.

Issue 39: Make first-time offenders face real consequences

Background

When a youth is referred to a local probation department, intake personnel must determine if there is probable cause that the youth engaged in delinquent conduct or Conduct Indicating a Need for Supervision (CINS), and whether further proceedings are in the interest of the youth and/or the public. If both of these questions are answered affirmatively, the Texas Family Code provides that the youth may either be referred to the juvenile court for adjudication or registered in an informal adjustment program (§ 53.03).

Informal adjustment is usually a six-month period of voluntary probation based on the consent of the youth and his parent, guardian or custodian "with knowledge that consent is not obligatory." Although the youth may terminate the adjustment process at any time in favor of a court hearing, the state may not. The practice is to impose conditions on informal adjustment that are similar to those used for formal probation. Thus, the state cannot file a petition or proceed with a petition that has already been filed so long as the child abides by those conditions. If, however, a violation occurs, then probation authorities may institute juvenile court proceedings. It should be noted that this decision is not a revocation of the informal probation, but rather a decision to proceed to court with the original case because the effort at informal probation has failed.

As a result of the growing number of cases referred to juvenile probation departments, in combination with the serious nature of many of the offenses, juveniles referred to the probation department for the first time are often triaged into an informal adjustment program. In some jurisdictions, there is a comprehensive program of services and accountability available. However, in other jurisdictions, informal adjustment programs provide little in the way of services and almost no accountability.

FINDINGS

Informal Adjustment is currently used for a wide variety of offenses ranging from runaway behavior to sexual assault.

- According to the Texas Juvenile Probation Commission (TJPC), in calendar year 1993 there were 116,000 cases referred to the juvenile probation system throughout Texas. Of this number, 13.7 percent (15,963) were placed on informal adjustment supervision for alleged delinquent behavior and 16 percent (18,524) were placed on informal adjustment supervision as CINS.
- The cases resolved through informal adjustment in 1993 included:

BURGLARY	2,792
MISDEMEANOR ASSAULT	1,836
OTHER FELONY OFFENSES	1,023
RUNAWAY BEHAVIOR	988
TRUANCY	742
THEFT	727

MOTOR VEHICLE THEFT	660
MISDEMEANOR WEAPONS	519
AGGRAVATED ASSAULT	306
DRUG OFFENSES	253
DISORDERLY CONDUCT	212
ROBBERY	180
SEXUAL ASSAULT	153

The Texas Youth Commission (TYC) and TJPC are currently developing criteria for informal adjustment.

- TYC and TJPC have jointly devised a Progressive Sanctions Model, which sets out a continuum of graduated responses to misconduct and delinquency and requires that each incident of misconduct be met with a significant response.

Community volunteers and increased community involvement can significantly increase early intervention efforts.

- Early intervention efforts could be significantly increased if juvenile boards and probation personnel solicited community service organizations and other volunteers to work with youth when they are first referred for misconduct.

RECOMMENDATION

Statutorily require juvenile boards to set policies regarding the appropriate use of informal adjustment in their jurisdiction.

- The policy should address the range of offenses appropriate for informal adjustment and the number of times a youth may be placed on informal adjustment. Each plan must provide a continuum of progressive sanctions and must require that each incident of misconduct or delinquency be met with a significant response. The policy should not be so rigid as to not allow for special circumstances.

Statutorily require the Texas Juvenile Probation Commission to monitor and enforce compliance with these informal adjustment policies on an annual basis.

Encourage local juvenile probation departments to increase the use of volunteers to assist in early intervention programs as part of the informal adjustment process.

- Juvenile boards and probation personnel should actively recruit community volunteers to work with youth when they are first referred to the system. By tapping this resource, under-funded probation departments would be able to ensure early, meaningful intervention and at the same time provide the local community an avenue for participating in the solution to youth crime.

These recommendations will ensure that all probation departments have a well-considered, formally adopted plan for handling first referrals. Thus, youth will know that they face significant consequences the first time they are referred to juvenile authorities.

FISCAL IMPACT

None.

ISSUE 40: Hold parents accountable for their children's behavior

BACKGROUND

The Texas Family Code makes parents liable for property damage up to $15,000 willfully or maliciously caused by their child (§33.01). Section 54.041 of the Texas Family Code allows the juvenile court to:

- order any person found by the juvenile court to have contributed to, caused, or encouraged the child's offending behavior to do any act that the juvenile court determines to be reasonable and necessary for the welfare of the child or to refrain from doing any act that the juvenile court determines to be injurious to the welfare of the child;
- prohibit all contact between the child and a person who is found to be a contributing cause of the child's offending behavior;
- if the youth is found truant, order the parents to attend a class designed to assist them in identifying and resolving problems that contribute to truancy;
- after notice and a hearing of all persons affected, order any person living in the same household with the child to participate in social or psychological counseling to assist in the rehabilitation of the child and to strengthen the child's family environment; and/or
- order the child or a parent to make full or partial restitution to the victim of the offense. If the child or parent is unable to make restitution or if a restitution order is not appropriate under the circumstances, the court may order the *child* to render personal services to a charitable or educational institution in lieu of restitution.

Although juvenile courts currently have authority to order parents and other members of the offending juvenile's household to participate in rehabilitative or restitution-based programs, the courts do not have authority to order a *parent* to perform community service together with their child.

FINDINGS

Current law authorizing the courts to order parents to perform community service with their children needs clarification.

- Practitioners complain that it is unclear whether a youth and/or his parents can be ordered to perform community service regardless of ability to pay restitution.
- Although the Texas Juvenile Probation Commission does not collect data on the number of court orders regarding parents of delinquent children, practitioners report that judges commonly order parents to attend counseling or pay some form of restitution. Thus, there is reason to believe that if the law regarding community service were clarified, judges would also order parents to participate in community service.

RECOMMENDATION

Amend the Family Code to clarify that judges may order youth and/or their parents to participate in community service regardless of their ability to pay restitution.

- Requiring parents of delinquent children to spend a significant amount of time with their children while performing community service is a way to hold parents accountable for the acts of their children and at the same time ensure that parents take a more active role in their lives of their children.

FISCAL IMPACT

None.

ISSUE 41: Remove statutory barriers to curfews

BACKGROUND

As juvenile crime has risen, many cities have begun enacting curfews aimed at keeping teens off the street both at night and during school hours. Dallas was among the first cities to enact such a curfew. A recent United States Supreme Court decision clarified that the Dallas curfew is constitutional, thus encouraging other communities to consider enacting curfews.

The Dallas ordinance prohibits persons under 17 years of age from remaining in a public place or establishment from 11 pm to 6 am on weeknights, and from 12 midnight until 6 am on weekends. The Dallas curfew was upheld based on the reasoning that the ordinance was narrowly tailored to the purposes of law enforcement. The ordinance exempts youth who are: (1) accompanied by an adult; (2) engaging in core First Amendment activity; (3) traveling to and from employment; (4) engaged in interstate commerce; or (5) responding to an emergency.

Although it is now clear that there are no constitutional barriers to a narrowly-drawn curfew, there is some question as to whether all general-law cities have statutory authority to enact curfew ordinances. Additionally, counties currently have no authority to enact curfews. Thus, residents in unincorporated areas do not have the option of imposing a curfew.

FINDINGS

Texas law distinguishes between general-law and home-rule cities.

- General-law cities must have specific statutory authority to act, whereas home-rule cities are constrained only by conflicting state law (Texas Local Government Code Ch. 51).

Residents of unincorporated areas of counties have expressed an interest in curfews but have no mechanism for enacting them.

- Juveniles who live in cities with curfews are able to avoid the curfew by staying out in the unincorporated area of the county.
- In many urban counties, the unincorporated area is as developed as the city. For instance, Harris County has 900,000 residents in the unincorporated area (Don Lee, Administrative Assistant to Harris County Judge Jon Lindsay).

Initial evaluations of curfews have demonstrated their effectiveness in curbing crime.

- After two years of a curfew in San Antonio, police reported a reduction in juvenile victimization (crimes committed against teenagers) from about 3,600 offenses before the curfew to 826 during the second year of the curfew.
- In Austin, the daytime juvenile curfew resulted in a decrease of actual juvenile arrests of 25 percent and the number of additional juveniles suspected of crime decreased by 24 percent during a nine-week period (March 21 to May 22, 1994).

- In North Little Rock, Arkansas, overall crime decreased 14 percent after a year of a curfew.
- In Newark, New Jersey, the police director reported that car thefts dropped 35 percent in the first year of their curfew.

RECOMMENDATIONS

Statutorily authorize all general-law cities to enact curfew ordinances.

Statutorily authorize counties to enact curfews in unincorporated areas.

FISCAL IMPACT

None.

ISSUE 42: Give juvenile courts more sentencing options

BACKGROUND

The Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) have developed a comprehensive plan, the Progressive Sanctions Model, to coordinate the juvenile justice system around the concept of graduated, incrementally more intrusive responses to delinquent behavior. The agencies agree that the traditional sanctions options that are available to juvenile probation departments and to TYC parole officers do not offer sufficient structure and consequences for many offenders. This results in decision makers frequently being forced to assign juvenile offenders to inadequate alternatives, i.e. programs offering less structure and control than is necessary to ensure public protection or programs that offer long-term incarceration where a less severe (and less expensive) sanction would be appropriate.

Intermediate sanctions are needed to fill the gap in the sanctions system. Certain and immediate consequences for probation and parole violations may prevent youth from falling deeper into delinquency. Before more juvenile facilities are built, an attempt should be made to meet the need with non-residential programs. Boot camps are often hailed as a solution and alternative to current practice. While there have been some evaluations of boot camps for *adult* offenders, none have been conclusive as to their effectiveness.

FINDINGS

Intermediate sanctions are integral to the Progressive Sanctions Model jointly developed by TYC and TJPC.

- TYC reports it now must rely on inadequate alternatives when youth on parole commit technical or minor criminal violations. Often, TYC merely issues warnings until the violations become more chronic or more serious and parole revocation is warranted.
- TJPC reports that intermediate sanction facilities are needed to divert less serious offenders, e.g., youth who violate the terms of probation, from TYC.
- The agencies suggest that additional residential facilities be built to meet the need for intermediate sanctions. TYC will require $26 million to build and begin operating four 48-bed work camps by 1998. TJPC anticipates that $53 million will be required to procure 824 residential contract beds for use in the intermediate sanction phase in fiscal years 1996-1997.

Some counties have responded to the lack of intermediate sanctions by expanding their detention centers to offer post-adjudication, long-term detention as an intermediate sanction.

- To date, 27 juvenile boards have established post-adjudication, long-term detention facilities. Altogether, these facilities contain 294 beds. There is no master plan regarding the development of these programs.

The need for intermediate sanctions can be met by developing highly structured non-residential (after-school/weekend) programs rather than building more long-term detention *facilities* for youth.

- Youth who violate either probation or parole could be sentenced to intensive daytime programs, in which, for instance, they would be transported to and from school, monitored during the school day and then put to work cleaning up a city park. The program could continue for full days on weekends.
- Other possibilities include sentencing youth to wilderness, or even urban, work camps similar to the concept of the Civilian Conservation Corps. Although the traditional version of boot camps have not proven entirely successful in rehabilitating offenders, a modified version, like the work camps described above, could fill the void in the intermediate sanction phase of the system.
- Additionally, officials at the Texas office of the new federal Americorps program (a youth service program) indicate that funds may be available for service projects (of the Civilian Conservation Corps type) aimed at rehabilitating delinquent youth; the federal dollars would include funds for a G.E.D. program and credit toward college tuition.
- The Southwest Key Program, a private, non-profit agency has had significant success with structured, well planned, non-residential intervention programs.
- The re-arrest rate for youth referred to the Key Program's Outreach and Tracking Program, an intensive parole supervision program operating in Texas and Arizona, was 45 percent lower than the re-arrest rate for youth released to standard parole. The program provides face-to-face contact with every youth a minimum of twice per day, seven days a week. Youth and their families receive five hours per week of group, individual and family counseling. Additionally, the program offers 24-hour crisis intervention, transportation, educational and psychological assessment, assistance with job training and readiness skills and G.E.D. preparation.
- Southwest Key has piloted a successful day treatment program for TYC parolees in Houston. The program provides 12 to 14 hours of highly structured activities five days a week, including five hours of educational programming and other support services of the kind described above. In 1992, 82 percent of the youth placed in the program were maintained in the community, i.e. not returned to TYC during the course of the program.

Boot camps can also help fill the gap in juvenile sanctions but have not been fully evaluated.

- Current research suggests that successful boot camps provide more than military-style discipline. A 1992 National Institute of Justice-funded report cites the following factors as important: teamwork, rehabilitative counseling and continued supervision as youth is transitioned back into the community.

- The effectiveness of traditional boot camps has not been clearly established. A 1993 report by the U.S. General Accounting Office notes that early indications are that [adult] bootcamps reduce overall corrections costs and prison crowding because inmates are simply released earlier, not because the camps are less costly per inmate than other forms of imprisonment. The report concludes that while recidivism data are limited, early results show only marginal improvements over traditional forms of incarceration. A 1992 report funded by the National Institute of Justice indicated that about 25 percent of youth assigned to boot camps cannot or will not cooperate with the program, a rate comparable to other community-based intermediate sanctions programs, such as intensive supervision.

RECOMMENDATIONS

Direct the staffs of the Texas Youth Commission and the Texas Juvenile Probation Commission to jointly develop a comprehensive statewide plan and implementation schedule for intermediate sanction programs.

- Elements should include clear commitment criteria, evaluation operating standards. To the extent possible, the programs should be locally run. TYC should use the local programs on a contract basis for youth who violate parole conditions. (It may be necessary for TYC to run some programs for those parole violators with specialized treatment needs.)

Limit state-funded boot camps to pilot programs and evaluate their effectiveness.

Encourage private providers to help meet the need for intermediate sanctions.

- The intermediate sanctions described above will fill a gap in juvenile sanctions. The threat of swift and certain consequences for probation and parole violations may prevent youth from falling deeper into delinquency. Boot camps may play a role in filling this gap, but should be developed based on research demonstrating effectiveness.

FISCAL IMPACT

The Legislature should consider designating additional funds, as available, to TJPC for the development of pilot programs implementing non-residential intermediate sanctions programs.

ISSUE 43: Reduce the over-representation of minority youth in the juvenile justice system

BACKGROUND

Currently, over 80 percent of all youth committed to the Texas Youth Commission (TYC) are ethnic minorities. By contrast, minorities made up only 48.9 percent of the Texas population under age 18 in 1990. The number of minorities among first-time referrals (49 percent) is consistent with the population figures. Minority youth are, however, disproportionately represented among youth who end up in court (66 percent) and among those detained in local facilities (73 percent). Thus, the deeper into the system, the more minority youth are over-represented.

Questions remain as to the degree to which minority over-representation is the result of differences in delinquency rates among ethnic groups or of factors within the juvenile justice system itself. Evidence suggests that both factors contribute to the problem. If the juvenile justice system is causing even a portion of the disparity observed, then it is critical that action be taken to correct the problem.

FINDINGS

Research indicates that higher levels of delinquent activity by minorities account for some, but not all, of the disparity.

- In 1993, TYC reported that even after taking into account higher referral rates for minorities, differences in commitment rates still exist. For example, commitments for violent offenses per referrals continue to show ethnic disparity in that the rate of violent offender commitments per violent felony referrals is 9.3 for African-American youth, compared to 8.9 for Hispanic youth and 4.8 for Anglo youth.
- TYC also reported that although data show that Anglo and minority youth committed to TYC for the first time have about the same number of felony referrals and felony adjudications, there is a substantial difference in the number of prior placements to community residential treatment programs.
- Among non-violent offenders committed to TYC, 72 percent of Anglo youth had been previously placed in a community-based residential treatment program, compared to 39 percent of African-American youth and 45 percent of Hispanic youth.
- Among TYC youth diagnosed as emotionally disturbed, Anglos are much more likely to receive specialized treatment (39 percent of youth released in 1992) than are African-American (13 percent) and Hispanic youth (15 percent).

Using standardized criteria and guidelines for discretionary decision points may reduce the disparity.

- Practitioners suggest that these guidelines address such decision points as arrest, detention intake, court petition, transfer, preplacement assessment and disposition.
- Practitioners also emphasize that local guidelines must be consistent statewide in order to minimize the potential for discrimination.

RECOMMENDATIONS

Encourage all social service agencies to develop uniform criteria and guidelines to ensure against racial discrimination.

Encourage agencies that provide services to youth to include minority stakeholders in the strategic planning process to help direct agency efforts aimed at making social services equally accessible.

Require each juvenile board to develop disposition criteria so that decisions are made according to objective standards. (More specific recommendations are presented in Issues 39 and 56.)

Statutorily require the Texas Youth Commission to develop standardized criteria for institutional placement and specialized treatment.

- Defining standardized criteria for the provision of services and for institutional placement in the juvenile justice system should significantly reduce any inequities in the system.

FISCAL IMPACT

None.

ISSUE 44: Assess youth at first contact

BACKGROUND

Although the Texas Juvenile Probation Commission (TJPC) does not keep records regarding the assessment procedures of local probation departments, TJPC staff report that the assessment process varies considerably in terms of the quantity and quality of assessment, the cultural competency of the assessment and the point in the contact process at which the assessment occurs. Juvenile court judges sometimes specify that the reports submitted by juvenile probation officers pursuant to the Texas Family Code §54.04(b) include detailed information regarding a youth's family background, psychological history and prior offenses. In other jurisdictions, probation officers gather only very general information about a youth's social, psychological and family history.

Early intervention efforts are hampered because juvenile justice authorities have insufficient information about a juvenile's social, psychological and family background. Assessment tools currently used often do not enable a probation officer to determine when a more extensive evaluation is appropriate. Additionally, too few probation officers receive sufficient assessment training.

FINDINGS

Currently, initial assessments vary considerably statewide and often fail to provide information needed to intervene early.

- Some probation departments use only a very general social history format when gathering information during the intake process. Others do not conduct an assessment until after an informal adjustment plan has been developed or judicial disposition has occurred. There have been instances in where an assessment was not conducted until after a youth was committed to the Texas Youth Commission (TYC).
- The amount of assessment training received by local probation personnel varies significantly among departments.
- The large number of youth entering the system each year (58,522 in 1993) makes it impractical for probation departments to conduct an extensive battery of tests for each youth; thus the initial assessment tool should be designed to flag those youth especially in need of a more comprehensive assessment.

Probation officers can sometimes obtain sufficient assessment data from a youth's school.

- When a student has been assessed at school, an additional assessment may not be required. If, however, the assessment is not recent or provides insufficient information about a student's family situation, another assessment may be required. School assessments are sometimes not available because parents fail to sign the required consent form.
- A joint task force of the State Board of Education and the Board of the Texas Juvenile Probation Commission has recommended the following with regard to the sharing of assessment information maintained by the school.

- Local school boards should cooperate with juvenile probation departments in securing the parental consent necessary for release of information to be shared on identified court-related students.
- Local school boards should delineate the student information to be shared routinely with juvenile probation officers, including but not limited to information on any pertinent discipline problems, student progress and all excused and unexcused absences which relate to supporting the continued progress of court-related students.

Some juvenile probation departments report success in using an initial assessment tool which enables the probation officer to craft individualized rehabilitation programs and to determine when a more comprehensive assessment is needed.

- Roy Robb, the chief probation officer of Tom Green County, advocates the *Strategies for Juvenile Supervision* (SJS) instrument, an inexpensive and concise assessment tool designed to identify the specific nature of a youth's behavioral problems, external factors contributing to those problems and the supervision plan best suited to the youth. The SJS instrument guides the probation officer through a semi-structured interview which is then scored according to the SJS instructions.
- TJPC has trained personnel in approximately 40 juvenile probation departments in the use of SJS.

Staff at the Texas Juvenile Probation Commission recognize the need for a standard initial assessment tool.

- TJPC staff cite the need for more research to determine the components of an initial assessment tool suited to the specific needs of juvenile probation departments in Texas.
- TJPC staff also point out that a good initial assessment tool will enable probation personnel to intervene appropriately when a youth referred for a minor offense shows signs that his delinquent conduct will escalate.
- If social service agencies are given freer access to assessment information maintained by juvenile justice authorities (as recommended in Issue 45), these agencies would also benefit from improved assessments by the probation department.

RECOMMENDATIONS

Statutorily require the Texas Juvenile Probation Commission to develop a standard initial assessment tool for voluntary use by juvenile probation departments.

- The assessment tool should enable the probation intake officer to screen for a range of problems, including mental impairments, family violence and learning disorders.
- The assessment tool should be designed to alert the probation officer when a more comprehensive psychological evaluation of a youth is appropriate.

- The assessment tool should be developed and made available no later than September 1, 1996.

Direct juvenile boards to instruct probation department staff to investigate the utility of assessments available from schools before ordering comprehensive evaluations.

Direct the Texas Juvenile Probation Commission to accelerate its training of probation officers in general assessment skills and provide intensive training in the use of the standard initial assessment tool once it is developed.

- When appropriate, TJPC should collaborate with other training professionals to meet the need for assessment training.

Improved initial assessments will enable probation officers both to craft more individualized and effective intervention plans for the average offender and to ensure that youth with severe emotional or psychological problems are referred for more extensive testing. Moreover, better information could also benefit other agencies assisting the youth and his family.

FISCAL IMPACT

None.

ISSUE 45: Share information about delinquent youth

BACKGROUND

Currently, the only parties who are permitted to have access to the files and records maintained by supervising agencies by arrangement of the juvenile court are: professional staff or consultants of the agency or institution, the judge, probation officers, professional staff or consultants of the juvenile court and an attorney for the child. No one else is permitted access to these records without first obtaining permission from the court. These records usually contain assessment and social history data that would be helpful to social service agencies (Texas Family Code § 51.14(b)).

The requirement that social service and juvenile/criminal justice agencies obtain leave of court to gain access to juvenile records creates a significant barrier to inter-agency sharing of information. Consequently, the information included in those records is often re-created at significant expense or services are provided with incomplete background information. Additionally, law enforcement officials sometimes lose valuable time waiting for court approval to gain access to information necessary for effective law enforcement and for assisting with the supervision of these youth. Although current restrictions were designed to protect confidential information, many practitioners contend that confidentiality can be protected without such restrictive rules.

FINDINGS

Practitioners complain that access to juvenile records is unnecessarily restricted.

- In some jurisdictions, courts allow social service agencies unrestricted access to juvenile records. Other jurisdictions only allow social service agencies access to the records of serious offenders pursuant to blanket court orders. The remaining jurisdictions construe the statute narrowly, requiring court permission in each instance a social service agency seeks access to juvenile records.
- Further, it is unclear whether agencies are permitted to share information even when they are parties to an inter-agency consent and confidentiality agreement.
- If a juvenile recidivates as an adult, it is often difficult for staff of the adult criminal justice system to obtain juvenile records.

Law enforcement agencies have difficulty obtaining timely information about youth.

- When a court places a youth with an agency, e.g., a residential treatment facility, the agency is prohibited from sharing any information with law enforcement officials without first obtaining court permission (Texas Family Code § 51.14(b)).
- Law enforcement officials report that they do not normally require access to all information maintained by the agency, but only that which is relevant to determining a youth's identity, location, status and supervising authority.

RECOMMENDATIONS

Amend current law to allow agencies to share information by clarifying that "consultants of the agency or institution" include consultants which are other public or private agencies having access to the files and records by agreement with the agency or institution in order to provide services (Texas Family Code § 51.14(b)).

Statutorily authorize the Texas Department of Criminal Justice to petition a juvenile court for duplicates of sealed juvenile records containing information relevant to the rehabilitation of adult offenders (Texas Family Code § 51.16(f)).

Statutorily authorize law enforcement officials to have access to *relevant information* in the files and records of the Texas Youth Commission and other public or private agencies where youth are placed by the court for the *limited* purpose of identifying the child or determining the child's location, status and supervising authority.

These revisions would allow social service agencies and juvenile/criminal justice agencies greater access to juvenile records. Agencies would be permitted to share information based on an inter-agency agreement regarding access, but court approval would not be required. TDCJ would be given access to sealed juvenile records when those records contain information relevant to the rehabilitation of adult offenders. The changes would allow law enforcement officers prompt access to the information they need. At the same time, access would be limited enough not to have a chilling effect on the receipt of sensitive treatment information from the youth and their families.

FISCAL IMPACT

None.

ISSUE 46: Seal records of rehabilitated youth

BACKGROUND

The Texas Family Code provides that a person may petition the juvenile court to order the sealing of the files and records pertaining to his case. If the person has not been adjudicated as having committed a felony, the court is obliged, after a hearing, to order the files and records sealed if two years have elapsed since his final discharge, he has maintained a clean record and the court finds that it is unlikely that he will engage in further delinquent or criminal conduct. If these conditions are satisfied, the court orders all agencies to forward all files to the court and delete all index references to the files and records.

A person whose files and records have been sealed under this provision is not required to disclose on employment applications, etc., that he was subject to the juvenile proceeding at issue (Texas Family Code § 51.16). If the person has been adjudicated as having committed a felony, a court may only order his records sealed if he is 23 years of age or older and the files have not been made a part of his adult record as a result of certification or subsequent criminal prosecution, and he has not been convicted of a felony after age 17 (Texas Family Code § 51.16(k)).

Although the statutory provisions for sealing juvenile records were designed to allow juveniles a fresh start if they maintain a clean record, the current procedure is ineffective because it requires the youth, who often has an aversion to the juvenile system, to initiate the process.

FINDINGS

Many law enforcement agencies do not comply with the statutory requirement that juveniles be given written notification of their rights regarding juvenile records.

Most juveniles who satisfy the prerequisites for a sealing order do not petition the court for the order, either because they are unaware of their rights or because they fear contact with the juvenile court.

Moreover, a juvenile's prior counsel is not authorized to act on his behalf after final judgment. Thus, there is currently no mechanism in place to trigger the sealing process.

RECOMMENDATIONS

Statutorily require the automatic sealing of juvenile records once the statutory time period and conditions have been satisfied unless an interested party upon written motion demonstrates to the court that the interests of justice require that such records not be sealed (Texas Family Code § 51.16).

- Delete the statutory requirement for a hearing in all cases but allow the judge the discretion to hold a hearing if requested by interested parties or on the court's own motion.
- Interested parties are to be defined as the prosecuting attorney, the authority granting discharge (e.g., TYC or the local probation department) and the public or private agency or institution having custody of files or records subject to sealing.

Statutorily require the juvenile court to notify a youth, at the point of disposition, of his rights regarding the sealing of his records. Written notice should also be given when the records are sealed.

- These changes will make it clear to youth that they can earn the rights to a fresh start. After two years of maintaining a clean record, a youth would be permitted to apply for employment without revealing his record as a delinquent (unless the offense he committed was a felony).

FISCAL IMPACT

None.

ISSUE 47: Intervene early when young children break the law

BACKGROUND

The Department of Protective and Regulatory Services (PRS) is responsible for providing services for young children (below the age of 10 and at least age six) referred for delinquent conduct or conduct indicating a need for supervision (CINS). The parent, managing conservator, guardian or other member of the child's household may be required to participate in services provided by the department and allow the child and other siblings to participate (Texas Family Code § 34.54).

Given the large and growing number of abuse and neglect cases that PRS handles, these children are not ranked as a priority and often do not receive services. Early intervention with appropriate consequences is the most effective way to keep a child from progressing into the juvenile and criminal justice systems. In years past, the number of children committing offenses has been relatively small; however, as the list below shows, Texas can no longer ignore these children.

FINDINGS

A significant number of children under age 10 are involved in delinquent behavior.

- The Texas Department of Public Safety (DPS) receives reports from law enforcement agencies on the arrests of children below the age of ten. In 1993, the DPS Uniform Crime Report showed 2,145 arrests of children under 10 years of age. This figure represents 1.4 percent of the total arrests of children (154,524) under the age of 17. Most of the arrests (79 percent) occurred in the following categories:

Larceny-Theft	569
Vandalism	329
Runaways	285
Burglary	187
Other Assaults	165
Disorderly Conduct	83
Violent Crimes	76

- Arrests of young children for violent and assaultive acts have risen significantly over the past five years. For instance, in 1989 there were 98 arrests of children under 10 for assault, whereas in 1993 there were 171 such arrests.

These children are not getting needed services under the current structure.

- Practitioners consistently report that very few children under age 10 receive any assessment, treatment or family support services after being involved with law enforcement and other referring agencies.
- This paucity of services is compounded by the fact that law enforcement personnel are often unaware of the Texas Family Code provision designating PRS as the agency responsible for providing services to children under age 10 who break the law.
- As services are rarely provided for these children, when they do come under juvenile court jurisdiction at age 10 they often are triaged to the bottom of the juvenile probation priority list due to the growing numbers of older, more serious and violent offenders. While these younger children are considered lighter offend[illegible] their offending behavior often escalates and they become less receptive to correction and treatment.

Early intervention may prevent the problems of very young offenders from escalating.

- Recent studies have shown that most serious offenders begin to get into trouble at an early age (typically around the third grade), exhibiting such behaviors as minor aggression and bullying, problems in school, lying and shoplifting and drinking at (Office of Juvenile Justice and Delinquency Prevention).
- Research shows that intervention programs should begin as early as elementary school. If attention is not given to children until they have developed a pattern of delinquent behavior, they become resistant to intervention (OJJDP).

The Children's Mental Health Plan is well suited to provide effective early intervention for this unique population.

- The Children's Mental Health plan is a collaborative effort, involving juvenile justice, mental health and other social service agencies, aimed at providing comprehensive, coordinated services to multi-problem children, who often do not meet the standard eligibility requirements of any single agency. It is administered by the Texas Department of Mental Health and Mental Retardation (TXMHMR).
- The Children's Mental Health Plan has demonstrated significant success in addressing the behavioral problems of children. Families whose children participate in the plan report very high satisfaction rates.
- All areas of the state are now covered by a Children's Mental Health Plan Community Management Team. There are 51 such teams, as compared to 45 local mental health authorities. The additional teams are designed to reduce the size of the large catchment areas in rural regions.
- Staff of TXMHMR concur that the Children's Mental Health Plan is a suitable mechanism for handling referrals and reports that the agency is amenable to establishing state-level policies and services for these children.

RECOMMENDATIONS

Amend the Family Code to require the TXMHMR to provide services through the Children's Mental Health Plan for children under age 10 who are arrested for engaging in delinquent behavior.

- Sections 34.50 and 34.54 of the Texas Family Code should be amended to require law enforcement agencies to refer all children nine years of age and under who commit criminal acts to the Children's Mental Health Plan Community Management team in their region, and delete the current requirement for PRS to serve these children.
- The local Community Management Teams of the Children's Mental Health Plan should be required to establish policies for service provision based upon the needs of the children and resources available in the community. The teams should be authorized to contract with a range of providers and organizations. For instance, a team may contract with the local mental health authority for assessment, mental health services and case management, local peace officers, e.g. a constable, for monitoring and supervision and boys' and girls' clubs for structured daytime programs. The Community Management Team should report to the referring law-enforcement agency if the child or his family refuses the recommended services. The report should include the reasons cited for refusal of services.
- If an alternative education program is available for these children, this placement should be considered as part of the service plan.
- For those children who continue to offend after reaching ten years of age, local juvenile boards shall meet with representatives of the Community Management Team to develop transition services including the sharing of records and information. Juvenile boards should develop policies which make these children a priority upon entry into the juvenile justice system. (The Health and Human Services Commission is currently developing a comprehensive consent form that will allow social service agencies to share records.)

FISCAL IMPACT

To avoid increased burden on TXMHMR, the agency will require additional funds to increase services for children under age 10 referred by law enforcement. Staff of TXMHMR indicates that the average cost to serve a child is $1,948 per year as reported to the Legislative Budget Board. Given the numbers indicated above (2,145 arrests per year in fiscal year 1993), the Children's Mental Health Plan would require an additional $8.35 million for fiscal years 1996-1997 to reach this unserved population.

ISSUE 48: Improve services for mentally impaired offenders

BACKGROUND

Currently, no single agency is solely responsible for serving the juvenile offender with mental retardation and/or emotional disturbances. Consequently, multiple agencies often respond to the multi-faceted needs of the juvenile offender with mental impairments. These agencies often have diverse goals and eligibility criteria for services.

In addition to the incomplete system of coordination between agencies, the response to juvenile offenders with mental impairment varies among jurisdictions. In most cases, after the police arrest juvenile offenders they are referred to a juvenile probation department intake unit and evaluated for appropriate case disposition. While the average juvenile offender may require sanctions and behavioral interventions, the assessments necessary to identify *disabilities* are often not available. Many times juveniles with mental or emotional impairments may receive court sanctions or are committed to Texas Youth Commission(TYC) facilities without proper diagnostic testing.

Some counties have active Community Resource Coordination Groups (CRCGs) which have the capacity to develop interdisciplinary plans of intervention; however, the effectiveness of these groups statewide varies relative to the commitments of the member agency personnel. Severity of condition determines which offenders receive treatment and which do not. While some juveniles involved in criminal behavior receive treatment in the current system, many others do not because they do not fit into any priority category (e.g., a juvenile is assessed as not being *severely* emotionally disturbed, although he or she may still have some emotional problems and therefore be in need of services).

Often services are purchased in a piecemeal fashion, responding to one aspect of a mental impairment rather than the complete range of needs. Because these adolescents are often in need of more than one service, treatment effectiveness is diminished and costs are often high. Research on effective treatment programs for children and adolescents with mental impairments demonstrates that a continuum of care, including comprehensive case management, is the most effective service delivery system. Information currently available indicates that services are often purchased without this consideration.

The Texas Children's Mental Health Plan has been instrumental in providing funding and promoting linkages between local juvenile probation departments and local mental health authorities across the state to provide services for juvenile offenders with emotional disturbances.

FINDINGS

The Texas Children's Mental Health Plan is an effective service delivery model.

- The Texas Children's Mental Health Plan consists of nine different child-serving agencies, including those involved in providing mental health, educational and juvenile justice services. Local management teams meet statewide to assess service needs of communities and plan and implement services for children and adolescents with severe behav-

ioral, emotional or psychiatric disorders, including those adolescents involved in the Juvenile Justice system.

The Children's Mental Health Plan has successfully piloted programs serving juvenile offenders with mental impairments.

- According to data compiled by the Texas Children's Mental Health Plan Evaluation Team, juveniles referred by probation officers as part of a five-site pilot project (which has been operating for more than two years) have shown encouraging treatment results, including a significant reduction in rearrests and decreased behavioral symptoms. Treatment of their emotional problems greatly diminishes the criminal activity of these youth.

RECOMMENDATIONS

Statutorily require psychiatric and/or psychological testing of juveniles suspected to have, or who already have a known history of, mental impairments to ensure that proper assessments of juvenile offenders are conducted.

- Plans for the implementation of such testing could be formulated through a cooperative arrangement between the Texas Council on Mental Impairments and the State Management Team of the Children's Mental Health Plan.
- Such assessments will require the proper training of juvenile justice and other personnel.

Statutorily require local juvenile boards to direct all educational, habilitative and/or treatment intervention recommendations and services for juvenile offenders with mental impairments through the Community Management Teams of the Texas Children's Mental Health Plan.

- This will ensure that services are delivered in an interagency context.
- Contracts with private providers should require a continuum of services rather than the episodic, fee-for-service process used currently.
- Current resources in the Texas Children's Mental Health Plan should be used in conjunction with dedicated funding from the TJPC and TYC to enlarge the scope of services and numbers of adolescents receiving treatment.

Encourage communities to develop additional programs for juvenile offenders with mental impairments.

- As more juveniles offenders are identified as having mental impairments, it will be necessary for more programs to be available to these offenders so that a continuum of care can be provided.
- Without such expansion of programs, these offenders remain at risk of falling through the cracks of the system without receiving proper treatment.

The demonstrated success of the Children's Mental Health Plan Teams in combination with the CRCG interagency staffing role in some locations suggests that these interdisciplinary-planning staffing groups may be the optimum vehicle for ensuring collaborative responses to juvenile offenders with mental impairments. In addition, mandatory diagnostic testing for juvenile offenders (where indicated) could result in more appropriate placements and responses and may result in fewer commitments to institutions. By having diagnostic information prior to disposition, juvenile courts could utilize more directive, creative and appropriate treatment options within the community.

FISCAL IMPACT

These changes may result in some increased costs to local juvenile probation departments for testing of these youth and to the Children's Mental Health Plan for services to youth previously undiagnosed. These costs cannot be estimated as there is no means to accurately estimate the potential number of youth involved, but it is not expected to have a significant impact on local departments or the Children's Mental Health Plan.

ISSUE 49: Expand substance abuse treatment for juvenile offenders

BACKGROUND

The overall mission of the Texas Commission on Alcohol and Drug Abuse (TCADA) is "to assist all Texans to achieve healthy productive lives by preventing, or overcoming the consequences of, chemical dependency and abuse and problem gambling." Among other duties, TCADA is charged to "expand chemical dependency services for children *when funds are available* (emphasis added) because of the long-term benefits of those services to the state and its citizens."

TCADA is also required to coordinate the efforts of the Texas Department of Human Services, Texas Department of Mental Health and Mental Retardation, the Texas Youth Commission (TYC), and the Texas Juvenile Probation Commission (TJPC) in determining whether children under these agencies' jurisdiction are "involved in substance abuse or are from a substance abusing family." These agencies are required to record this determination in the case record of the child and for statistical reporting purposes. The statute does not require any action based on the information gathered.

In their strategic plan, TCADA states that it "will improve the coordination and delivery of the services we provide to children . . . [and] support programs that demonstrate new and effective ways to reduce the number of children entering or re-entering the juvenile justice system."

FINDINGS

In fiscal year 1994, only 23 percent of TCADA's budget was spent on services for children and youth.

- Of TCADA's $145.6 million in state and federal funds, $33.6 million was spent for children's services. The general Appropriations Act identifies seven (non-ranked) priority populations for TCADA. These populations include youth who currently abuse, have abused or are at risk of abusing substances, including youth in or referred by the juvenile justice system and youth at risk of selling controlled substances.
- Of the $33.6 million dollars spent on children's programs, only $726,000 (two percent) goes to serve juveniles in TYC and $577,514 (1.7 percent) for juveniles in the probation system. TCADA reports it is working on changing its funding mechanism which will lend more emphasis to children, particularly juvenile offenders.
- The State Auditor reports that TCADA directs services to the targeted populations listed above primarily by identifying them in Requests for Proposals. Historically, TCADA has not provided additional guidance or attempted to enforce the priority status of these populations. Recent initiatives are refocusing priorities in the area of children's services.

Research shows a strong link between substance abuse and juvenile delinquency, but in Texas there is no coordinated system for linking substance abuse services with youth in the juvenile justice system (Office of Juvenile Justice and Delinquency Prevention).

- Researchers and youth workers have long recognized the relationship between delinquent behavior and substance abuse.
- A recent study by the Office of Juvenile Justice and Delinquency Prevention found that the more seriously involved in drugs a youth was, the more seriously that juvenile was involved in delinquency and vice versa.

Current data indicates that an increasing number of juvenile offenders are involved in substance abuse.

- The Texas Juvenile Probation Commission and the Texas Youth Commission report that in fiscal year 1993:
  - 4.9 percent (5,774 referrals: 2,549 felony and 3,225 misdemeanors) were referred to juvenile probation for drug related charges.
  - 17.4 percent (20,506 referrals) exhibited symptoms of alcohol abuse, 15.7 percent (18,506 referrals) showed symptoms of drug abuse. 18.3 percent (21,599 referrals) who were referred to juvenile probation were identified as coming from substance abusing homes (parents, siblings, etc.)
- The Texas Youth Commission reports that based on assessments conducted at the Statewide Reception Center, 48.7 percent (977) of youth committed to TYC are chemically dependent while another 19.9 percent (400) are abusers of alcohol and other drugs.

TCADA has begun to act on the critical need for children's services. However, interagency collaboration is critical in addressing substance abuse issues, especially in regard to youth involved in the juvenile justice system.

- While TCADA's focus has traditionally been on adults, recently there has been a refocusing of the agency's top management in recognizing the critical need to serve children. There has been an historical tendency for state agencies to develop programs and strategies independent of other agencies despite legislative directive and intent. This collaboration is necessary to avoid duplication, learn from previous efforts, enhance and support existing initiatives and ensure that appropriate services are delivered to the defined population. This is especially true in the area of substance abuse, in that it cuts across so many other services and does not occur independently of other problems or issues.

Juvenile offenders often do not receive adequate substance abuse services, and providers may avoid taking on these youth due to the complexity of problems they present.

- Juvenile justice practitioners agree that children with substance abuse problems in the juvenile justice system are often denied services by substance abuse providers because of the special problems they pose, i.e. dual diagnosis, behavior disorders, history of violence and court ordered treatment.
- This problem is further exacerbated by the absence of obligations in service providers contracts. For example, during fiscal year 1994, TCADA funded 10 programs that reported to provide youth prevention and intervention inhalant services and seven programs that reported to provide inhalant to youth services. However, only two of these 17 youth programs are contractually obligated to provide such services.

TCADA recently came to the Commission with several proposals to improve their services to youth.

- Full implementation of the proposals to provide a wide range of services to at-risk and substance abusing youth would cost nearly $500 million, with most of the cost going towards residential treatment. To provide substance abuse services for the 86 percent of low-income youth in need of such counseling and treatment, but for whom such services are not available, would cost an estimated $123.6 million for fiscal years 1996 - 1997.

RECOMMENDATIONS

Direct TCADA to develop a data base on the prevalence of substance abuse among juvenile offenders. This should be developed in concert with TJPC and TYC.

- Currently, information is incomplete on the prevalence and type of substance abuse among children and juvenile offenders. TCADA surveyed TYC youth in 1989 and school-aged students in 1994, but did not include children under juvenile court supervision. TCADA should include juvenile probationers to obtain a better overall view of the juvenile offender profile.

Direct TCADA to continue developing, as funds are available, pilot programs that provide a continuum of services of substance abuse services for children at risk as well as juvenile offenders.

- There is a lack of agreement on successful treatment modalities appropriate for juvenile offender populations. Research indicates the need for a continuum that includes primary prevention, early intervention, a system of substance abuse assessment and evaluation, a comprehensive case management system to coordinate treatment services, effective outpatient treatment services, effective inpatient treatment/ residential care and after care resources for probationers and parolees. Given the emerging information regarding substance abuse treatment

and the cost of residential treatment, an emphasis on day treatment/ nonresidential programs is indicated.

- This continuum model should be piloted in representative communities which seek funding and technical assistance through a competitive grant application process. All pilot sites must reflect interagency collaboration to be considered. There should also be a strong evaluation component to allow for timely feedback on program success thus allowing for sites to finetune their approach. (It should be noted that TCADA is currently operating a pilot program in Dallas, The Safe House program, which provides a range of services.)

Direct the Texas Commission on Alcohol and Drug Abuse to revise its contracts to ensure that juvenile offenders receive services.

Amend TCADA's enabling legislation to reflect a priority on children and juvenile offenders.

These recommendations would help curb the growing substance abuse problems among Texas youth.

FISCAL IMPACT

None. TCADA should channel new federal dollars from the Federal Crime Bill and other initiatives into the services recommended.

ISSUE 50: Increase community-based delinquency prevention efforts

BACKGROUND

Many communities have traditionally emphasized police apprehension of juvenile delinquents, leaving primary prevention efforts to counties and state agencies. In addition, few widespread collaborative efforts have been undertaken by businesses, neighborhood and non-profit organizations, school districts and city agencies to provide recreational and after-school activities that help prevent juvenile crime and delinquency, though some communities are taking steps to address these problems.

A statewide initiative focusing on municipalities began in 1991, when the mayors of seven major Texas cities (Austin, Arlington, Dallas, El Paso, Fort Worth, Corpus Christi, San Antonio, and Houston) formed a coalition (MUSCLE, for the Mayors United on Safety, Crime, and Law Enforcement), and established in their respective cities (except El Paso) the Texas City Action Plan to Prevent Crime (T-CAP). This plan, created with the help of the National Crime Prevention Council, set up the first widespread collaborative effort involving city agencies, neighborhood activists, the business community and numerous non-profit groups to combat and prevent urban crime.

Despite these successful efforts, city governments, school districts, business, religious organizations, and neighborhood and non-profit groups often lack coordinated and collaborative efforts in the prevention of juvenile crime.

FINDINGS

Sports programs can reduce delinquency, but are often unavailable to low-income youth.

- There are few private programs in the inner cities, due to a variety of factors including lack of funds (not enough sponsorship from the business community), lack of collaboration among programs and turf wars within the territory of existing programs (e.g., whether a Pony/Colt baseball league could be established in a territory with an already-existing Little League program).
- In Fort Worth, an innovative public-private partnership provides at-risk youth with opportunities to get involved in sports that they normally would be excluded from in private programs because of the fees involved. Through the efforts of a local businessman and private donations, a Youth Sports Council has been established to address this issue.

City government can play a crucial role in mobilizing community delinquency prevention efforts.

- City employees were designated as resources in the seven cities that implemented T-CAP crime prevention plans.
- Corpus Christi's T-CAP called for the creation of several city commissions to improve services and collaborative efforts. With a Commission on Children, Youth, and Families to coordinate the city's various groups

in assisting troubled families, a Mayor's Commission on City Neighborhoods to improve code enforcement and provide the logistics for neighborhood improvement, and a joint city, county, state and federal committee to reduce duplication of services, Corpus Christi hopes to become a model for the state.

- In El Paso, an Americorps program pioneered by the University of Texas at El Paso uses gang members to stop the gang violence. Members of gangs are encouraged to put down their weapons and work together to clean up their communities while participating in peer mediation and conflict resolution programs, helping to undermine the gang from the inside out.

City governments can assist crime prevention efforts through direct intervention and improved services in their police departments.

- All of the city T-CAPs called for an increased community presence of police officers focusing on storefront patrols. Dallas' T-CAP called for the deployment of neighborhood liaison officers on a permanent basis and increased funding for a crime prevention incentive program, such as Turn in a Pusher or Crimestoppers.

- Several cities pushed for the establishment of public crime prevention resource centers through the police departments to act as crime prevention information centers.

- Arlington and San Antonio focused on domestic violence in their T-CAPs and came to the conclusion that police should be given more training in this area to provide more support to victims and handle offenders more appropriately.

Improved city lighting, anti-graffiti statutes, expanded parenting classes, stiffer environmental design principles for new buildings and an ordinance to keep kids in school (daytime curfew) were also key priorities in the T-CAP plans.

School districts play a vital role and are an excellent resource in joint crime prevention efforts.

- Most T-CAPs urged schools to implement comprehensive gang prevention, ethics, alcohol and drug abuse and family life curricula. Counselors specializing in drug and alcohol abuse were recommended for campuses, and in Arlington the T-CAP even suggested the placement of School Resource Officers from the police department. Community leaders also emphasized the need for school safety and called for more security measures (e.g., video cameras, convex mirrors, and metal detectors).

- School districts can allow the use of their facilities after hours by other groups. In Houston, the Texas Young Lawyers Association runs a successful program in Houston Independent School District facilities that provides youth with sports, tutoring and mentoring during after-school hours.

The business community should take a more active role in preventing delinquency and improving neighborhoods.

- Most of the T-CAPs called for the further involvement of businesses in programs for youth, such as Adopt-a-School, mentoring and neighborhood crime watches.
- A consortium of businesses could become involved in many activities to help prevent juvenile crime, including establishing a job bank to assist youth in finding employment, providing funding for recreational programs and supporting neighborhood development.
- Businesses can commit to the development of communities by cleaning up neighborhoods and building low-cost housing. In Corpus Christi, juvenile probation youth join forces with business and professional organizations in the annual Operation Paintbrush program to paint homes in low income areas.

By banding together in a unified front against delinquency, neighborhoods can clean up their streets, improve safety and deter further criminal activity.

- One Fort Worth neighborhood, with the support of the city and mayor, established a comprehensive structure of services with committees on everything from economic development and jobs to health.
- Most T-CAPs urged residents to play an active role in their local neighborhood group. Such programs as Citizens on Patrol and Neighborhood Watches can prevent the spread of crime and reduce vandalism and graffiti. Many communities indicated the need for designated homes in the neighborhood for latchkey children until their parents get home from work.

RECOMMENDATIONS

Encourage community organizations to take a more active and collaborative role in creating an environment and opportunities that help prevent juvenile delinquency.

There are numerous strategies to help communities unite against juvenile crime. Some suggestions follow.

- **Neighborhoods must band together to combat crime.** No initiative can be successful without the involvement of the local neighborhood. Cities should provide support and resources to neighborhood groups and associations to encourage them in their crime prevention efforts.
- **Youth sports programs should be made easily available to inner city youth.** City parks and recreation departments should provide youth sports to inner city and at-risk youth who cannot afford the cost of privately-run programs, with funding from grants and private donations. Youth Athletic Councils should be established to coordinate activities of city park and recreation departments and private sports programs in providing services to children.

- **City governments should create Crime Prevention Committees responsible for designing and implementing strategies to fight juvenile crime.** Enacting day and/or night curfews for youth, establishing ordinances against gangs and graffiti, increasing neighborhood lighting, enforcing code violations and improving the environment in high crime neighborhoods are some of the solutions to reduce juvenile crime.
- **Businesses in communities across the state should establish non-governmental consortia to work together to reduce crime.** Businesses can increase sponsorship funding to private youth sport groups, and assist in neighborhood development, mentoring, adopt-a-school programs and counseling.
- **Police departments should expand juvenile crime prevention efforts.** Such strategies could include increasing community patrols, establishing neighborhood liaisons and implementing innovative programs to combat gang violence.
- **Schools must take a more active role in juvenile crime prevention in their community.** School safety measures should be emphasized, and gang, drug and alcohol and violence prevention curricula should be designed and implemented. Incentives should be offered to youth to avoid crime and excel in school. Cooperation between city and school district officials should be encouraged through the creation of a joint task force.
- **School districts should allow other groups to use their facilities after school hours.** Organizations can provide programs to youth in these easily accessible locations, rather than letting the school sit vacant during the hours when youth need opportunities for recreation and other activities.
- **Public transportation authorities should work with neighborhoods in establishing economical transportation for at-risk and inner city youth.** This would allow them the opportunity to participate in recreation and enrichment activities available in other parts of their community.
- **Youth should be directly involved in community crime prevention efforts.** Youth task forces can be created, made up of youth groups and organizations such as student councils and/or other clubs, to help establish and implement municipal juvenile crime reduction plans. In addition, comprehensive data bases of youth groups should be established so that youth know where to go for constructive activities.

FISCAL IMPACT

None.

ISSUE 51: Limit children's unsupervised access to firearms

BACKGROUND

Under current law, it is illegal to sell a firearm to a minor in Texas. Unfortunately, this does not stop children from obtaining guns or prevent accidents involving children and guns. Whether a youth accesses a weapon that belongs to an adult guardian or whether the youth is able to obtain the weapon illegally, the number of young people involved in incidents with weapons is staggering both in Texas and across the United States.

According to a recent Texas Kids Count publication, far more children are victims of crime than are perpetrators. Lowering juvenile violent crime rates is only part of the solution. It is also important for communities to develop local policies and programs to prevent Texas children from becoming victims of crime.

Communities across the nation have come up with local solutions to restrict children's access to weapons and emphasize the need for parental responsibility. Houston, for example, has passed a city ordinance making it illegal to knowingly store a loaded weapon where a child can gain unsupervised access to it. The Houston ordinance also makes it illegal for a minor to discharge a firearm within the city (with certain exceptions).

FINDINGS

The statistics involving young people and firearms are staggering.

- According to the Coalition for America's Children:
  - Firearms are a leading cause of injury in childhood, among the leading causes of unintentional injuries to children and young adults, and are involved in over half of all adolescent homicides and suicides.
  - Every day, 135,000 American children bring a gun to school.
  - Every day, one child under the age of 15 is killed by a handgun.
- Between 1986 and 1992, the total number of children in the United States killed by firearms rose by 144 percent, compared to a 30 percent increase for adults. (Jones and Krisberg)
- According to Texas Kids count, in 1991 more than 80 percent of all deaths of Texas teens aged 15 to 19 were caused by suicide, homicide or accident. It is important to note that the increase in teen violent deaths is occurring when traffic fatalities and other accidental deaths have decreased. Researchers point to handguns as a significant factor.
- According to the National Center for Health Statistics, teenaged boys in all racial and ethnic groups are more likely to die from gunshot wounds than from all natural causes combined.

Children in Texas and across the nation are drastically affected by unintentional deaths from accidental gunshot wounds.

- According to Texas Kids Count, each year in the United States over 3,000 children under the age of 20 die as a result of accidental gunshot wounds.
- According to the Texas Department of Health, 401 Texas children under the age of 16 were unintentionally shot to death between 1980 through 1991.
- A recent federal report estimated that the ratio of non-fatal to fatal unintentional gunshot wounds was 105:1. Assuming this is representative, the Texas Department of Health estimates that 4,200 children sustained non-fatal wounds from an accidental discharge of a firearm. This is an average of 11 a day.
- A 1989 report to Congress on the cost of injuries in the United States estimated that the average hospitalization cost per person for a firearm injury was $33,159.
- According to the U.S. General Accounting Office, modifying firearms has been advocated as a prevention strategy. The addition of child-proof safety devices would prevent kids under the age of six years from discharging a gun and indicators showing when a gun is loaded could prevent an estimated 23 percent of all unintentional firearm-related fatalities.

Evidence shows that many children have access to firearms in their homes.

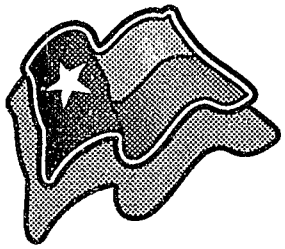
- According to *Forces of Change: Shaping the Future of Texas*, recent studies show that 80 to 90 percent of all guns seized by school officials come from the home (Sharp).

RECOMMENDATION

Encourage cities to enact ordinances aimed at reducing children's unsupervised access to firearms.

FISCAL IMPACT

None.



Safeguarding Our Future

Children & Families First

Goal 6:

All young people in Texas who commit violent or habitual offenses will face serious and certain consequences

GOAL 6: ENSURING SERIOUS CONSEQUENCES FOR VIOLENT AND HABITUAL JUVENILE OFFENDERS

"I had no remorse. I thought life was all fun and games."

18-year-old capital offender
testifying before the Commission

America is in the midst of its worst epidemic of violence ever. In Texas, a violent crime is committed every three and a half minutes (Texas Department of Public Safety, 1992). And according to *Texas Medicine* in 1990, Texas became the first state in the nation where injuries from firearms caused more deaths than injuries from automobile wrecks. For Texas juveniles, the number of violent crimes being committed is increasing nearly twice as fast as the rest of the country. (Kids Count 119). Geoffrey Alpert, criminology professor at the University of South Carolina, has pointed out that "[w]here many young people used to start their criminal careers with minor and property crimes, we're seeing them become more violent very, very, quickly." And unfortunately, violence by juveniles is most often inflicted on other juveniles. The Justice Department estimates that nearly a million young people age 12 to 19 are raped, robbed or assaulted each year, most often by their peers. As evidence of this disturbing rise in violence, some teenagers are now planning their own funerals, down to their clothing, attendees and music.

Clearly things have changed. We can no longer think of juvenile delinquents as Dennis the Menace-types pulling up Mr. Wilson's flowers. Governor Roy Romer of Colorado has said "[t]he system never contemplated and is unprepared to handle the problems we see today--kids shooting kids, kids terrorizing neighborhoods, kids running sophisticated criminal organizations that deal in drugs ... I do not believe it is right... to force judges and prosecutors to choose between a juvenile system on the one hand, that is not prepared to handle such violent offenders, and an adult system, on the other hand, that was never designed to handle youth" (Technical Assistance News, 10/20/93). Despite the best efforts of persons who have given considerable time and effort to the historically underfunded and ignored juvenile justice system, young people are committing violent and predatory offenses at an ever-increasing rate. The growing sense of urgency to do something about the problem, however, has not brought about any consensus as to why juvenile crime is becoming more violent or the best way to deal with it.

Some would say that juvenile crime and violence is more serious because the system hasn't been tough enough on offenders. The solution offered from this perspective is to punish more harshly those whose conduct requires removal from society. The current system is simply not structured to deal with violent and habitual juvenile offenders. Due to the threat these offenders pose to the state and country, Texas must develop new measures to deal with them.

For the most serious offenders, the Texas Commission on Children and Youth has developed a recommendation to deal with violent and habitual offenders which addresses many of the weaknesses in the current system. This recommendation will be drafted into proposed legislation entitled the Violent and Habitual Juvenile Offender Act. The Act authorizes longer sentences for serious offenders. Additionally, the Act provides that if a youth does not show signs of progress toward rehabilitation, he can be transferred to adult prison after age 16, thus leaving more space in Texas Youth Commission for youth who want to turn their lives around.

While swift and certain punishment for violent and habitual offenders is appropriate, this alone will not solve the problem. As William Raspberry, a Pulitzer Prize-winning columnist writes, "[o]ur jails and prisons are full, our budgets strained to the breaking point--and our streets are as unsafe as they've ever been." The problem is that the juvenile justice system is being relied on to address a whole host of social problems that go well beyond juvenile crime. The long-term problems contributing to rising juvenile crime cannot be addressed strictly through juvenile justice reform.

Accordingly, the recommendations in this report deal both with the violent habitual offender and the social problems that contribute to the crime factory. Texas has an obligation to punish youth who commit violent crimes, but we must also take decisive action to stop the cycle of crime and violence.

The juvenile justice recommendations supporting Goal Six are as follows:

- Strengthen options for sentencing violent and habitual juvenile offenders;
- Maintain the adult status of certified youth;
- Loosen restrictions on fingerprinting and photographing;
- Require a central repository for juvenile records;
- Bring prosecutors into policy decisions in juvenile cases;
- Simplify juvenile court procedures;
- Expand specialized rehabilitation programs for youth in Texas Youth Commission;
- Strengthen the juvenile parole system;
- House 18-year-old TYC parolees in adult facilities when detained locally;
- Enforce standards for local detention/residential facilities; and
- Coordinate planning and budgeting in the juvenile justice system.

ISSUE 52: Strengthen options for sentencing violent and habitual juvenile offenders

BACKGROUND

The determinate sentencing statute currently allows a prosecuting attorney to refer a petition to the grand jury if a youth is charged with murder, capital murder, aggravated kidnapping, aggravated sexual assault, deadly assault on a law enforcement officer, corrections officer or court participant or attempted capital murder. If the grand jury approves such a petition in the same manner as it approves an indictment, this approval is certified to the juvenile court and entered in the record of the case. If found to have committed the offense, the youth may receive a sentence of up to 40 years.

A youth receiving a determinate sentence is placed under the control of the Texas Youth Commission (TYC) and kept with youth of a similar age until a transfer hearing is held by the juvenile court when he is approximately 17 and a half years old. At such a hearing, the juvenile court can transfer the youth to prison to serve the rest of his sentence or give the youth an indeterminate sentence to TYC, which could result in a disposition ranging from immediate parole to being retained in TYC until age 21 (Texas Family Code §§ 51.09(b)(1)(F), 53.045, 54.11).

Although the courts and prosecutors have found the determinate sentencing statute to be a useful tool, its utility has been limited by the narrowly drawn range of offenses it covers. The effectiveness of the statute has also been limited by TYC's lack of authority to set a transfer hearing at an earlier point than the youth's 18th birthday (or shortly before). There are some instances in which adult probation or commitment to the Texas Department of Criminal Justice (TDCJ) is appropriate prior to the 18th birthday. Further, courts are hamstrung because at the transfer hearing, their only options are to send the 18 year old to TDCJ or send him back to TYC with the possibility that he will be released immediately. Since the determinate sentencing statute includes a provision that places paroling authority for sentenced youth in the juvenile court, any expansion of the act without providing additional paroling or population relief authority to TYC necessarily limits the state's ability to control crowding in its institutions and lengths of stay for youth not under a determinate sentence.

FINDINGS

Juvenile justice authorities recommend expanding the range of offenses covered by the determinate sentencing statute.

- An ad hoc group of representatives of law enforcement associations, judges and state agencies recommends that the categories of offenses covered by the statute be expanded to include aggravated robbery, aggravated assault, manslaughter, attempted murder and serious and habitual offenses.
- If the statute is expanded to include these offenses, all violent and habitual offenders will be subject, regardless of age, to long-term commitment and possible transfer to TDCJ.

The sentencing ranges under the statute need revision because they are inconsistent with current sentencing ranges for adults committing the same offenses.

- Under the current provisions, youth can be sentenced for up to 40 years for all offenses covered by the statute, whereas adult sentences are limited to 20 years for second degree felonies (e.g., aggravated assault and manslaughter).
- The disparity between adult and juvenile sentences might violate juveniles' equal protection rights.
- Additionally, adults can be sentenced for up to 99 years for capital offenses, as compared to the 40 year limit for juveniles.

The Texas Youth Commission currently must keep all youth committed under the statute until age 18, even those who do not wish to be rehabilitated.

- Practitioners recommend that TYC be given authorization to request that the court transfer intractable youth to TDCJ at an earlier point, so that TYC can focus its resources on those youth who can be rehabilitated.
- Further, TYC could be more effective if it had more leverage with uncooperative youth, i.e. if youth knew that they were subject to early transfer to TDCJ, they may be more likely to cooperate.

Although the determinate sentencing statute is a potent tool for prosecutors, many are still unfamiliar with it.

- Many in the juvenile justice field suggest that familiarity with the statute might increase if it were called something more descriptive than the determinate sentencing statute.
- The Violent and Habitual Offender Act is a name more descriptive of the statute's provisions.

Many advocates of lowering the age of certification have reported that expanding the range of offenses and the sentencing options available under determinate sentencing would be an acceptable substitute.

RECOMMENDATION

Amend the determinate sentencing statute to expand the range of offenses covered under the statute to include aggravated robbery, aggravated assault, manslaughter, attempted murder and serious and habitual offenders.

- The Texas Family Code, §53.045, should also be amended to define "serious and habitual offender" as a person who has been adjudicated for delinquent conduct which, if committed by an adult would constitute a felony offense (other than a state jail felony) if the person has been adjudicated for felony offenses, including state jail felonies, on at least two previous occasions and the date of the current offense occurred after the date of adjudication for the second offense.

Revise the determinate sentencing provisions as follows: sentences for capital felonies should range from 10 to 60 years; for first degree felonies from 3 to 40 years; for second degree felonies from 2 to 20 years; and for third degree felonies from 1 to 10 years.

- This change would ensure that determinate sentences for second and third degree felonies more closely reflect adult sentencing provisions. Otherwise, there may be an equal protection problem.

Statutorily authorize Texas Youth Commission to set a transfer hearing if a sentenced youth is age 16 or over and has continued to engage in behavior that risks public safety, and repeal the requirement that there be a transfer hearing on all sentenced offenders just prior to their 18th birthday.

- Thus, if a TYC resident were disruptive and not amenable to rehabilitation, TYC would not have to wait until his 18th birthday to request a transfer hearing.

Statutorily authorize Texas Youth Commission to parole sentenced offenders without court approval after serving minimum mandatory sentences of 10 years for capital offenses, three years for first degree felonies, two years for second degree felonies, and one year for third degree felonies.

- Under current law, TYC does not have parole authority until a youth turns 18. This change would allow TYC to parole offenders independent of court review if they have served the minimums noted above.

Statutorily require that if a youth sentenced to Texas Youth Commission has not by age 21 (a) completed their minimum mandatory sentence, (b) been discharged or (c) been released under supervision by court order (paroled), that youth shall be transferred to the Texas Department of Criminal Justice to serve at least the remainder of his minimum sentence.

- Under this rule, youth not suitable for parole at age 21 would be transferred to TDCJ, to serve at least the remainder of their minimum sentence.

Statutorily authorize Texas Youth Commission to refer a person sentenced to commitment, who is not already discharged or transferred, to the appropriate adult parole authority on the person's 21st birthday.

- Currently, if a TYC resident remains at TYC until his 21st birthday, he must be discharged. This change would allow TYC to move the resident onto adult supervision to serve additional time and receive services in the adult system.

Statutorily authorize Texas Youth Commission to return new commitments (except youth who commit offenses covered by the Determinate Sentencing Statute) to the Court when commitments exceed targeted levels by 50 youth during any of the first six months of the state fiscal year or by 100 youth any time, based on a cumulative monthly comparison of the Texas Juvenile Probation Commission's Key Performance Target for annual commitments with the number of actual commitments. Less serious offenders would be returned first.

- This provision would ensure that TYC retains authority to control overcrowding in its facilities without exceeding its appropriations.

Amend the determinate sentencing provisions to be captioned as the Violent and Habitual Juvenile Offender Act.

These changes would significantly strengthen the juvenile justice system's authority over violent and habitual juvenile offenders. More offenders would be subject to determinate sentencing, the sentencing range for capital offenders would be extended to 60 years, youth who do not show progress could be transferred to TDCJ at an earlier age and youth who are released at age 21 could be placed under adult parole supervision. Because these changes would significantly increase the number of youth committed to TYC, the recommendations also include suggestions for expanding TYC's options for handling less serious offenders and thus ensuring that TYC has sufficient capacity for violent and habitual offenders.

FISCAL IMPACT

Assuming that all of the above recommendations are enacted, the following is an estimate of the fiscal impact (all cost estimates supplied by TYC, November 22, 1994).

Fiscal Year	Construction Costs	Additional Operation Costs	TOTAL
1996-1997	$47,600,000 (576 beds)	$8,900,000	$56,500,000
1998-1999	$23,800,000 (288 beds)	$63,700,000	$87,500,000
2000-2001		$45,400,000	$45,400,000

ISSUE 53: Maintain the adult status of certified youth

BACKGROUND

The Texas Family Code provides that a juvenile court may, upon the prosecutor's motion, waive its jurisdiction and transfer a youth to adult criminal court under the following circumstances: the youth is alleged to have committed a felony; the youth was 15 years of age at the time of the alleged offense and there has been no (juvenile) adjudication concerning that offense; and, the juvenile court determines that there is probable cause to believe that the youth committed the offense and that because of the seriousness of the offense or the background of the youth the welfare of the community requires criminal proceedings.

In determining whether a youth should be certified as an adult, the juvenile court is directed to consider, among other matters, the nature of the crime, the sophistication of the youth and his history of delinquency (Texas Family Code § 54.02).

The certification statute currently fails to address the problem of the juvenile offender who has been certified, sentenced as an adult and then commits further offenses before reaching age 17 for which he must then be referred to the juvenile court. The statute now requires that in such an instance, the prosecutor must seek certification a second time, even though the court has already made the determination that the youth has attained adult status for the purpose of criminal prosecution. This problem is exacerbated by the fact that certification proceedings are lengthy and costly.

FINDINGS

Requiring youth to be re-certified for subsequent offenses is inconsistent with the rationale for certification.

- A youth is certified as an adult if the juvenile court determines, based on the evidence before it, that due to the youth's sophistication, maturity and past criminal behavior, he is no longer appropriate for the juvenile setting (Texas Family Code § 54.02).
- Under the current rule, a youth under age 17 must be re-certified for each felony he commits, despite the court's prior finding that the youth should have adult status.
    - For instance, if a youth commits a felony while on adult probation for a previous felony which resulted in certification, the juvenile court must go through the certification process a second time. If, under the same scenario, the prosecutor does not seek certification, or if the youth goes before a different juvenile judge who does not choose to certify the second time, the youth could be subject to both the juvenile and adult systems simultaneously.

The proposed "once certified, always certified" rule could include protections for youth whose certifications are overturned or who are acquitted of the offense for which they are certified.

A central repository of juvenile records will facilitate the proposed "once certified, always certified" rule.

- If a law enforcement officer in one particular jurisdiction takes a 15 or 16-year-old into custody, the officer must be able to determine immediately if the youth has previously been certified in any juvenile court in Texas. This information must be readily and immediately available so that the officer knows whether to transport the youth to an adult jail facility or to a juvenile detention facility.
- If a youth prevails in appealing a transfer to adult court, a new certification hearing must be held. If, however, the youth is picked up during the interim before a new certification hearing is held, the youth would have to be treated as a juvenile. Thus, a law enforcement officer must have immediate access to information regarding the status of the appeal.
- Staff at the Department of Public Safety report that a central repository of juvenile records could be designed to allow law enforcement personnel immediate access to information about a youth's certification status. (More specific recommendations about a central repository are presented in Issue 55.)

RECOMMENDATION

Statutorily require that once a youth has been certified to stand trial as an adult, he shall also stand trial as an adult for any subsequent offenses.

- The provision should not apply to a juvenile acquitted of the offense(s) for which he was certified or if he is only convicted of a lesser included offense classified as a misdemeanor.

The "once certified, always certified" rule will clear up inconsistencies in the certification law. Under this rule, once a youth is convicted in adult court, he will be treated as an adult for any subsequent crimes.

FISCAL IMPACT

None.

ISSUE 54: Loosen restrictions on fingerprinting and photographing

BACKGROUND

Currently, law enforcement officials are only permitted (without leave of court) to fingerprint or photograph a detained juvenile if the juvenile is 15 years of age and is referred to the juvenile court for a felony or if the juvenile is under 15 and has been referred for murder, capital murder, attempted capital murder, aggravated kidnapping, aggravated sexual assault or deadly assault on a law enforcement officer. Juvenile fingerprints and photographs must be kept separately from adult records and may only be kept on a local basis. If latent fingerprints are found during the investigation of an offense, a juvenile may be fingerprinted upon probable cause, regardless of his age. If the comparison is negative, the records must be destroyed; if positive, all originals and duplicates must be transferred to the juvenile court.

The fingerprints and photographs must be destroyed if law enforcement officials do not file against the juvenile, if the proceedings are dismissed or if the youth is found not to have engaged in the alleged conduct. Additionally, the fingerprints and photographs must be destroyed if the juvenile reaches age 18, is not subject to commitment at the Texas Youth Commission, has not been transferred under a determinate sentence and has maintained a clean record since turning 17. If the person is older than age 18, the fingerprints and photographs must be destroyed if three years have elapsed since the person's release from commitment and there is no evidence that he committed a criminal offense after the release (Texas Family Code § 51.15).

Because youths are committing more serious crimes at younger ages, statutory restrictions on juvenile fingerprinting and photographing have seriously impeded law enforcement's ability to identify offenders.

FINDINGS

Law enforcement officers, prosecutors and judges recommend loosening restrictions on fingerprinting and photographing juveniles.

- Police have difficulty identifying the perpetrators of many crimes because they are not permitted to keep fingerprints and photographs of juvenile offenders. For instance, if a youth's fingerprints match those found at a crime scene, the originals and all duplicates must be forwarded to the juvenile court. Thus, police are not able to maintain the records that would be helpful in identifying repeat offenders.
- Some law enforcement officials currently circumvent the restrictions by keeping a second, unofficial set of files.

Many other states have fewer restrictions on fingerprinting and photographing juveniles.

- While Texas only allows fingerprinting and photographing of juveniles under age 15 for the most serious of crimes, 14 states set no age limit at all on fingerprinting and photographing juveniles.

- Additionally, 23 states do not require the destruction of juvenile fingerprints and photographs, whereas Texas law requires destruction of these records when a youth reaches age 18 and has maintained a clean record since turning 17.

RECOMMENDATION

Eliminate the age limit on fingerprinting and photographing juveniles.

- Authorize any juvenile taken into custody under § 52.01 for conduct which would constitute a Class B misdemeanor or above to be fingerprinted and photographed upon a determination of probable cause (Texas Family Code § 51.15).

Retain fingerprints and photographs until the person reaches age 23 (currently 18).

- Allow destruction if the person has reached age 23 (currently 18), has no record of committing an offense after reaching age 17, and three years have elapsed after the person's release from commitment to TYC (if applicable).

Permit law enforcement officials to keep copies of fingerprints if they match latent prints found during an investigation (currently all prints must be forwarded to the court).

These recommendations will help law enforcement identify young offenders. The earlier offenders are identified, the better the chance that intervention will be effective. Additionally, youth may be less likely to commit subsequent crimes if they know that police maintain juvenile fingerprint and photograph files until a youth reaches age 23, rather than 18.

FISCAL IMPACT

None.

ISSUE 55: Require a central repository for juvenile records

BACKGROUND

The Family Code currently provides that "law-enforcement files and records concerning a child shall be kept separate from files and records of arrests of adults and shall be maintained on a local basis only and not sent to a central state or federal depository" (Texas Family Code § 51.14(c)).

Law-enforcement, juvenile probation, criminal justice and social service agencies are often unable to identify juvenile repeat offenders who have committed offenses in other jurisdictions. Consequently, a delinquent youth may have several contacts with the system before significant intervention occurs. Additionally, if the youth recidivates as an adult, the Texas Department of Criminal Justice (TDCJ) is often unable to determine if juvenile records are available (as a resource for assessment and treatment).

FINDINGS

Law enforcement officials, juvenile probation personnel, judges and prosecutors generally agree that the statutory prohibition against a central repository for juvenile records is outdated.

- Police advocate a central repository as a tool for identifying and apprehending juvenile offenders with prior records in other jurisdictions.
- Juvenile court judges and probation personnel generally favor a central repository because it would allow them to review a youth's entire history, including records from other jurisdictions, when making sentencing and treatment decisions.
- Prosecutors explain that a central repository would ensure that all relevant information is available when an individual is prosecuted as an adult.
    - Felony convictions as a juvenile may be used as evidence in the punishment phase of an adult criminal proceeding. However, because there currently is no statewide repository for juvenile records, a prosecutor may be unaware of a juvenile felony adjudication in another jurisdiction of the state. Thus, the juvenile may be a convicted felon, a fact that the judge or jury could lawfully be apprised of in the punishment phase if the prosecutor was aware of this information.
- TDCJ officials report that access to juvenile assessment/treatment records would greatly assist rehabilitation efforts in the adult system. A central repository would enable TDCJ staff to determine when such records are available.
- Practitioners also point out that a central repository would provide accurate statistical data on juvenile crime in the state.

The existing data base containing adult criminal records could be adapted to include juvenile records.

- Staff at the Department of Public Safety's (DPS) Crime Records Division reports that the adult data base, including the Automated Fingerprint Identification System, could be modified to include juvenile records.
  - Because the system relies on fingerprints for identification, the restrictions on juvenile fingerprinting would probably have to be removed. (Specific recommendations regarding juvenile fingerprinting and photographing are presented in Issue 54.)
  - The Family Code's requirements for the sealing and destruction of records could be accommodated by the system. The system could be programmed to restrict access to juvenile records more narrowly than access to adult records. (Access to the adult data base is now statutorily limited to law enforcement officials and certain licensing bodies.)
  - The National Crime Information Center is currently setting up a gang information system. If such a system is to be included in the Texas data base, it should be coordinated with the national effort.

The repository should include arrest records, dispositions, fingerprints and photographs of juveniles referred for Class B misdemeanors and above for whom an official action was taken.

- Including lesser offenses might unnecessarily stigmatize a youth who can still be diverted from delinquency.
- Limiting the repository to felony offenses, on the other hand, would frustrate the early intervention and progressive sanctions approaches because there would be no record of earlier offenses.
- Staff at DPS report that the cost of the repository will not be significantly affected by the range of offenses for which records are included.
- The repository should also include an index of youth whose records have been sealed so that assessment and treatment information can be obtained if the youth recidivates.

Access to the repository should be limited to law enforcement agencies, juvenile probation departments, the Department of Protective and Regulatory Services, the Texas Juvenile Probation Commission, the Texas Youth Commission, the Office of the Attorney General, the Criminal Justice Policy Council and the Texas Department of Criminal Justice in order to avoid unnecessary stigmatization of a youth.

RECOMMENDATION

Amend the Texas Family Code to require the creation of a central repository for arrest records, dispositions, fingerprints and photographs of juveniles referred to the juvenile department for Class B misdemeanors or above and for whom an official action was taken.

- Explicitly permit the repository to include limited gang-related information (the scope of information maintained should be no broader than necessary for effective law enforcement purposes).
  - This provision will clearly permit the data base to include information compiled in coordination with the National Crime Information Center effort to construct a national gang information system.
- Access should be statutorily limited to law enforcement agencies, juvenile probation departments, the Department of Protective and Regulatory Services, the Texas Juvenile Probation Commission, the Texas Youth Commission, the Office of the Attorney General, the Criminal Justice Policy Council and the Texas Department of Criminal Justice.
- Records should be expunged automatically, pursuant to statutory provisions for sealing and destruction of juvenile records (Tex. Fam. Code § 51.16), except that the repository should include an index identifying youth whose records have been sealed and the court which maintains the sealed records. The index will enable juvenile and criminal justice authorities to access assessment and treatment information if the youth recidivates after his records have been sealed. (Recommendations concerning sealing of records are presented in Issues 46 and 54).

This change would require the Department of Public Safety to expand its data base to include juvenile records. Centralization of this information would greatly assist police in identifying and apprehending juvenile offenders and would allow juvenile and criminal justice authorities to consult a more complete record when making sentencing and treatment decisions.

FISCAL IMPACT

The Department of Public Safety estimates on a preliminary basis that the cost of adapting the current system to include juvenile records would be less than $5 million. The main expense will be incurred in expanding the capacity of the Automated Fingerprint Information System and in additional staff required for processing incoming juvenile records.

ISSUE 56: Bring prosecutors into policy decisions for juvenile cases

BACKGROUND

Currently, the Texas Family Code provides that the juvenile court will designate the intake official for juvenile cases (Texas Family Code §53.01(a) and §52.02(2)). There are two common intake models: the prosecutor model and the probation department model.

In the probation department model, operated in the majority of counties in Texas, all referrals are sent directly to the probation department where they are screened and forwarded to prosecutors when formal court proceedings are deemed appropriate by the probation officer. Many counties using the probation model have no standard procedure regarding the referral of delinquency cases to the prosecutor's office. Consequently, the prosecutor is not provided information about these cases.

In the prosecutor model, all cases (or just felony cases) are referred to the prosecutor for a decision on how to proceed. Although the process should be governed by the juvenile board, which is charged with "operating and supervising juvenile services in the county," there are many juvenile boards that do not exercise their authority to set policy regarding this sometimes contentious issue (Texas Human Resources Code § 152.0007). Depending on the model, prosecutors or probation officials are sometimes excluded from decision-making about whether juvenile offenders who commit serious crimes should be subject to non-judicial sanctions, juvenile court adjudication or certification.

FINDINGS

Current practices in many counties can lead to communication problems between the juvenile probation department and prosecutor's office.

- In many counties, the chief probation officer maintains a cooperative relationship with the prosecutor, regularly notifying the prosecutor's office of serious delinquency cases and related matters.
- There are, however, some jurisdictions where the chief probation officer does not forward information to the prosecutor unless probation personnel decide on their own that the prosecutor's involvement is appropriate. Likewise, there are jurisdictions where prosecutors do not consult with probation officers regarding case disposition.

Juvenile boards should exercise their authority to set policy regarding referrals.

- The juvenile boards have typically not been very involved in setting guidelines regarding the circumstances in which juvenile cases are to be referred to the prosecutor.

- This informal, unregulated system for prosecutorial or probation involvement could be easily remedied through juvenile board action.

RECOMMENDATION

Statutorily require each juvenile board to direct their chief probation officer to consult with the local prosecutor and jointly devise a plan for processing referrals of felony, weapons and bodily injury cases.

- Specify that if no plan is approved by the local juvenile board (either because the board objects to the joint plan or because no agreement was reached between the chief probation officer and the prosecutor), every referral for delinquent conduct of the grade of felony shall automatically be forwarded to the office of the prosecuting attorney, who may decide either to file a petition or return the case to the probation department.

Statutorily require the Texas Juvenile Probation Commission to monitor and enforce compliance with case referral plans approved by the juvenile boards.

These changes will ensure that there is a well-defined procedure for referring at least the most serious cases to the prosecutor's office.

FISCAL IMPACT

None.

ISSUE 57: Simplify juvenile court procedures

BACKGROUND

Juvenile delinquency cases are currently governed by the Rules of Civil Procedure and the Rules of Civil Evidence, with some variations. For instance, a jury verdict finding of delinquency must be unanimous . Also, the burden of proof lies with the prosecution, as in criminal cases. Improperly seized evidence is inadmissible, and the public is generally excluded from the courtroom (except in determinate sentencing cases) (Texas Family Code § 51.17). Juvenile proceedings have traditionally been conducted according to the rules of civil procedure and evidence in the interest of avoiding the taint of criminality. Prosecutors contend that the "quasi-criminal" rules governing juvenile proceedings are no longer appropriate for the juvenile cases being tried today. They explain that the procedures, particularly the civil discovery process, are unnecessarily time-consuming and expensive.

Additionally, the frequent court hearings required when youth are detained are unduly burdensome, especially for rural counties. Texas has 52 pre-adjudication juvenile detention facilities serving 254 counties. Thus, many counties do not have a detention facility close to their jurisdiction and are forced to detain their juveniles in an adjacent or nearby county which operates a juvenile detention facility and has space for which they may contract. If the youth chooses not to waive detention hearings (after the first hearing), the county must arrange the transportation of the youth to the detention hearings *every 10 days* (Texas Family Code § 54.01). This is particularly problematic in the counties of West Texas where the closest detention center may be a hundred miles away.

This is a costly and time-consuming use of probation and law enforcement resources to travel long distances for a brief (often less than 10 minutes) detention hearing every 10 days. Further, violent juvenile offenders are typically the ones who are in detention for longer lengths of time. In the majority of counties, probation officers must transport these juveniles to and from the often remote detention facility. Typically, probation officers use their own vehicles for this task and, by law, may not carry a weapon. Thus, the frequent detention hearings at remote locations pose an increased safety risk.

The Texas Family Code also has no provision that allows or disallows the use of video technology in detention hearings. Video technology currently exists to allow detention hearings to be conducted without ever removing the juvenile from the security of the host detention facility. This innovation could significantly reduce the expense and safety risks inherent in transporting often dangerous juvenile offenders.

FINDINGS

Many attorneys contend that the civil rules of procedure are inappropriate and unduly burdensome to delinquency proceedings, especially the provisions for depositions and interrogatories and civil notice requirements.

- Many also contend that the Rules of Criminal Procedure and Evidence provide the same protections but do so more efficiently.

Some of the rules used in criminal proceedings would have to be tailored for application to juvenile proceedings.

- For instance, the confidentiality restrictions governing juvenile matters would have to be incorporated into the rules.
- Additionally, the appellate rule waiving fees for indigent persons would have to be re-examined with regard to juveniles.

Practitioners agree that increasing the time from 10 days to 10 *business* days between detention hearings would ease the transportation burden.

- Additionally, 10 business days between detention hearings could reduce the courts' dockets. The expanded time period would enable the probation officer to obtain additional information pertinent to detention or release.

Probation personnel in remote counties advocate the use of video technology to reduce their travel time and expense and minimize safety risks.

RECOMMENDATION

Amend the Texas Family Code to provide that the Code of Criminal Procedure and Rules of Criminal Evidence apply to juvenile proceedings except as specifically provided in the Family Code.

- Using rules of criminal procedure and evidence in juvenile proceedings will save significant time and expense. If some special provisions are included in the Family Code, these rules will sufficiently protect the rights of juveniles.

Amend the Family Code to require detention hearings every 10 business days.

- Amending the language of the Family Code to allow 10 business days between detention hearings would reduce the cumulative number of required hearings for a youth.

Amend the Texas Family Code to permit detention hearings, other than the first hearing, to be held via interactive video technology if the youth and the youth's attorney consent.

- A provision should be included requiring that video hearings provide an opportunity for cross-examination. If there is no agreement, the youth should be afforded an in-person detention hearing. Video detention hearings would reduce the expense and safety risks incurred by transporting youth.

FISCAL IMPACT

None.

ISSUE 58: Expand specialized rehabilitation programs for youth in the Texas Youth Commission (TYC)

BACKGROUND

Approximately 30 percent of the youth committed to the Texas Youth Commission each year are seriously emotionally disturbed, 48 percent are chemically dependent and another 10 percent are capital or sex offenders. Approximately 50 percent of the youth committed to TYC are gang members. By the time juveniles reach TYC, many have failed community-based programs designed for youth with traditional treatment needs. Many juvenile justice and law enforcement professionals believe that a significant number of delinquent and criminal acts are a direct result of untreated mental health and drug related problems and gang activities.

Currently, TYC receives funding to provide treatment to only 30 percent of the youth with a need for specialized treatment services. An important component of successful treatment programs is the ability to provide transition and follow-up services and continued support when a client returns home or to a home substitute in the community. TYC receives little funding for this continuum of care, thus weakening the positive effects achieved during specialized primary (residential) treatment.

FINDINGS

Seventy percent of TYC youth needing specialized treatment do not receive it.

- Due to the restricted number of treatment beds available, 70 percent of youth with a need for specialized treatment committed to TYC each year return to the community without receiving any specialized treatment services.
- Only 35 percent of capital offenders receive specialized treatment before being released from TYC.

Specialized treatment with appropriate aftercare can reduce recidivism.

- Although there are inherent difficulties in evaluating treatment programs, treatment effects in terms of reduced frequency of rearrests are generally observed immediately following treatment.
  - For treated Capital Offenders, only 20 percent are rearrested after one year, compared to a 40 percent rearrest rate for those not treated.
  - Similarly, of the Chemically Dependent Offenders who were treated, 46 percent were rearrested, versus 59 percent of those with no treatment.
  - For treated Emotionally Disturbed Offenders, 41 percent recidivated while 53 percent of offenders not treated were apprehended again.

- Aftercare for offenders receiving specialized treatment must be improved.
    - Available data show that treatment effects which can be seen at one year following treatment all but disappear by three years following treatment. For Capital Offenders, those who were treated but did not receive transition/aftercare services fared only slightly better than those not treated (35 percent vs. 39 percent), while for Chemically Dependent Offenders and Sex Offenders, those treated were rearrested only slightly less often than those untreated (71 percent vs. 73 percent).

Treatment programs can be implemented for an additional $15 per day per youth.

- Specialized treatment programs are not as expensive as many people believe, even in the short run.
    - After removing the costs of custodial care (such as room, board, medical and dental services, security equipment and personnel and other basic requirements of residential placement), treatment services add only approximately $15 to the average daily cost of $100.

RECOMMENDATION

Make additional funds available for the Capital Offenders Program. Resources should be sufficient to allow transition and follow-up services for youth who have received treatment as they move back to their communities. This program must have a strong, ongoing evaluation component to determine the impact of the comprehensive approach.

- Fully funding at least one category of specialized treatment, rather than marginally increasing funding for all, will allow for full program implementation for the targeted population and long-term evaluation, the results of which can be incorporated into plans for expanding treatment in other categories of specialized needs. If, upon evaluation, data indicates continued benefit of specialized treatment, TYC should be fully funded for all their specialized treatment programs.

FISCAL IMPACT

To fully fund TYC's Capital Offender Program as recommended would require an additional $1,342,164, for fiscal years 1996-1997.

Institutional		Aftercare	
1996	$ 174,312 (12 youth)	1996	$278,880 (24 youth)
1997	$ 610,092 (42 youth)	1997	$278,880 (24 youth)

ISSUE 59: Strengthen the juvenile parole system

BACKGROUND

Parole services have long been overlooked as a result of other priorities in the juvenile justice system. Aftercare can no longer be a hit or miss proposition when research shows that behavioral, educational and treatment gains made during confinement or placement are quickly extinguished once a youth returns to the community without appropriate aftercare services.

Parole services can have a greater impact if they are developed as a transition from a highly structured environment to a more relaxed, family-based environment. Intensive supervision for children returning from residential placement is widely viewed as the most effective way to perpetuate the positive results of that placement. Youth who do not receive appropriate aftercare have a much reduced chance for successful reintegration into their home community. As a result, the benefits of residential placement and specialized treatment are short-lived and there is limited return on the dollars spent for these services.

To address this problem, the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC) have jointly developed a plan to improve aftercare services. Under the plan, TYC will retain responsibility for parole services but will increase the level of supervision by contracting with local providers (including probation departments) and by adding additional parole officers. The agencies have determined that the essential elements of a comprehensive aftercare system are family involvement, mentoring, continuity of care, structure, supervision and accountability.

FINDINGS

TYC has insufficient parole staff to meet offenders' needs and ensure public safety.

- TYC has only 55 parole officers and contracts with 31 counties to provide parole services for the 254 counties throughout Texas.
    - These numbers are too low to ensure that all TYC parolees receive appropriate supervision and aftercare. The problem is particularly critical in rural areas, where a single parole officer must often cover too many miles to provide effective supervision.
- The average daily population in TYC aftercare programs in 1994 was 1,556.
- On average, TYC parole officers are assigned 27 youth in aftercare and 44 youth in residential programs (primary care). It should be noted that in addition to working with the juvenile, parole officers also emphasize working with families to prepare them for their child's return to the home.

TYC should increase services for parolees through contracts and additional parole officers.

- TYC should maintain control of parole but should aggressively contract with counties where distance from the regional parole office and/or the low number of parolees would make a TYC parole officer an inefficient use of resources.
- The current rate at which TYC contracts with probation departments is $3 per day for 20 days per month. This is not enough of an incentive for probation departments to take on this added responsibility in most cases.

RECOMMENDATION

Keep parole supervision under the jurisdiction of the Texas Youth Commission to allow them to maintain control over their population.

Increase funding for TYC to support better aftercare services, as fund are available.

- TYC should aggressively seek to contract with counties where distance from the regional parole office and/or where the small numbers of parolees would make a TYC parole officer an inefficient use of resources.
- TYC should hire additional parole officers to provide increased supervision, surveillance and support in urban and suburban regions of our state.

Encourage TYC to pilot three projects in different parts of the state to focus intensive aftercare services.

- This TYC pilot project should be coordinated with the juvenile probation departments in the pilot project jurisdictions to share information and make more efficient use of resources.

TYC and TJPC should annually evaluate aftercare services emphasizing concrete outcome measures, e.g. recidivism, educational progress, etc., as part of the joint planning and budgeting process. (More specific recommendations regarding joint planning and budgeting are presented in Issue 62.)

These recommendations should significantly improve the quality of parole/aftercare services. Implementation of the recommendations for aftercare for juvenile parolees should include and emphasize family involvement, mentoring, continuity of care, supervision and development of other competencies to aid them in their reintegration.

FISCAL IMPACT

This recommendation does not require any specific increase in funds; however, the Commission strongly encourages the Legislature to give high priority to increased funding to strengthen TYC's parole aftercare services.

ISSUE 60: House 18-year-old Texas Youth Commission parolees in adult facilities when detained

BACKGROUND

Youth committed to the Texas Youth Commission (TYC) remain under its jurisdiction until they reach age 21 (Texas Human Resources Code, §§ 61.001(6) and 61.084(d)). TYC youth who escape from custody or who are released under supervision and violate the conditions of release (including those over age 17 who are not criminally charged for the offense) may be detained locally pending transportation or an administrative hearing regarding the violation (Texas Human Resources Code, § 61.081(g)). For this purpose, TYC is authorized to make use of county-operated juvenile detention facilities (Texas Human Resources Code, § 61.037(a)).

The jurisdiction of county probation departments operating the detention facilities, however, extends only to age 18 (Texas Family Code, § 51.02(1)). The Attorney General has concluded that a TYC youth aged 18 to 21 who is not arrested for, charged with, or convicted of a criminal offense, but who is being held on a technical parole violation, may be detained in a juvenile detention facility the same as any juvenile. Otherwise, the youth must be kept in a separate compartment of the facility (Attorney General Opinion No. DM-38 (9-10-91)).

The detention of older TYC parole violators with children as young as age 10 is inappropriate and potentially dangerous for the younger children. Few juvenile detention facilities are designed for sufficient sight and sound separation to accommodate such a wide disparity in age and those that are cannot do so without significantly reducing needed bed space. If, however, these older juvenile parolees are going to be handled in the juvenile justice system, local detention facilities must be available to house them short-term pending transportation or a hearing on their violation.

FINDINGS

There is an increasing need for local detention capacity for youth over the age of 18.

- During the past year, 24 paroled TYC youth over the age of 18 have been detained statewide in juvenile detention facilities.
- Additionally, 25 TYC youth aged 18 and over were placed temporarily in a TYC institution for detention purposes after a rule violation not constituting a crime, because local detention did not provide services to these youth.
- The average length of stay in detention facilities for these TYC youth has been less than two weeks.
- The number of TYC youth requiring local detention is expected to increase somewhat in the coming years, particularly if the determinate sentencing statute is expanded.

Local adult detention facilities are better suited to housing youth aged 17 and older.

- Since crimes committed after the age of 17 are handled in the criminal justice system, adult detention facilities regularly handle older juvenile offenders.
- A large percentage of the county jail population consists of youth under the age of 21.

Federal law allows these offenders to be housed with the general population in local facilities.

- The U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, recently advised that federal rules concerning sight-and-sound separation of juvenile and adult detainees do not apply to TYC youth aged 18 to 21 who might be detained in adult jails because these youth no longer meet the definition of a "juvenile," even though they are still being handled by juvenile justice authorities (Letter to the Governor's Juvenile Justice Advisory Board, April 1994).
- Federal regulations would, however, prohibit youth age 17 and younger (not certified as adults) from being housed with adult detainees.

RECOMMENDATION

Statutorily require that Texas Youth Commission youth 18 years of age or older who are taken into custody for escaping from a juvenile facility or for breaking a condition of release be housed in adult detention facilities.

This change would permit TYC youth to be detained locally when necessary but would also ensure that younger juveniles are not endangered.

FISCAL IMPACT

None.

ISSUE 61: Enforce standards for local detention/residential facilities

BACKGROUND

Currently in Texas, there are 52 pre-adjudication juvenile detention facilities serving 254 counties throughout the state. Section 51.12 of the Texas Family Code mandates that the juvenile judges and juvenile board of a county that operates a detention facility must annually inspect the facility and certify that it is suitable for the detention of juveniles. Counties are given the choice between several sets of professional standards upon which to certify. The most commonly used standards are the minimum standards for detention facilities promulgated by the Texas Juvenile Probation Commission (TJPC) pursuant to §141.042, Texas Human Resources Code.

TJPC currently monitors compliance with detention standards using TJPC standards as the benchmark. TJPC's enabling legislation, §141.085 of the Texas Human Resources Code, provides that TJPC shall refuse, reduce or suspend payment of state aid to juvenile boards that fail to comply with TJPC's rules. There are no reports of this sanction ever being invoked.

A recent trend in some counties is for juvenile boards to operate post-adjudication secure correctional facilities as an alternative to committing offenders to the Texas Youth Commission (TYC). These facilities are not currently regulated by the Texas Department of Protective and Regulatory Services (PRS) or by TJPC. Similarly, private secure juvenile correctional facilities are also in operation and more are being built in Texas. Currently, no state-promulgated standards are available for these facilities; however, the Texas Juvenile Detention Association (TJDA) has developed standards applicable to post-adjudication secure facilities. TJPC is currently revising and upgrading the current pre-adjudication detention facility standards, and they report that they will be developing standards for post-adjudication secure correctional facilities.

FINDINGS

TJPC's authority to monitor short-term detention facilities is weak.

- The current law on this issue, as found in §51.12, Texas Family Code and Chapter 141 of the Texas Human Resources Code, is ambiguous in several areas.
  - First, although the Human Resource Code directs TJPC to enforce detention standards, the Family Code includes no mention of TJPC's monitoring responsibility--it provides only that the juvenile boards are to certify facilities on an annual basis.
  - Second, TJPC's enabling legislation provides that the only enforcement mechanism available to the agency is to refuse, reduce or suspend state aid funding if a juvenile board violates agency rules.

- Unlike the Texas Jail Standards Commission that regulates adult jails, TJPC has no authority to close a sub-standard detention center. Only the county juvenile board has that authority.
- There are detention facilities that continue to operate below the minimum standards. Thus, it is clear that current enforcement measures are not sufficient.

No state agency regularly monitors local, long-term youth detention facilities.

- Residential child placement facilities (non-secure) are licensed by PRS; PRS does not, however, currently regulate secure juvenile correctional facilities operated by counties or private entities.
- Recently, PRS has agreed, on an interim basis, to facilitate licensing of post-adjudication secure facilities until such time as the legal authority and responsibility for these facilities is settled by the legislature.
- TJPC does not have clear statutory authority to inspect or monitor local post-adjudication juvenile facilities. TJPC only monitors such facilities upon request of the operating entity.

RECOMMENDATION

Statutorily require the Texas Juvenile Probation Commission to monitor locally operated post-adjudication facilities (in addition to pre-adjudication facilities).

Statutorily prohibit Texas Juvenile Probation Commission from allocating additional funds (above current levels) to counties which fail to maintain pre-detention or post-detention facilities in compliance with standards established by TJPC.

Amend the Texas Family Code to include a provision regarding Texas Juvenile Probation Commision's authority to refuse, reduce, or suspend state aid funding to counties which fail to maintain pre-detention or post-detention facilities which do not comply with standards established by the Commission, pursuant to § 141.085 of the Texas Human Resources Code.

Direct the board of Texas Juvenile Probation Commission to prepare a report detailing options for additional TJPC enforcement powers, paying particular attention to the health, safety and constitutional issues of youth in these facilities.

These recommendations will significantly strengthen TJPC's authority to monitor local detention facilities.

FISCAL IMPACT

Approximately $70,000 per biennium. Given the additional duty to monitor post-adjudication facilities, TJPC may need to add an additional full-time staff person (F.T.E.) to its Legislative Appropriations Request.

ISSUE 62: Coordinate planning and budgeting in the juvenile justice system

BACKGROUND

Each of the two state level juvenile justice agencies, the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC), prepare and execute unique strategic plans and budgets that are developed within the agencies, coordinated with primary constituent groups and approved by their respective boards. The two strategic planning and budget documents are approved by the Legislative Budget Board and the Governor's Office of Budget and Planning. Traditionally, no formal coordination of the two agencies' plans and budgets has taken place.

No comprehensive statewide vision with supporting policy goals, objectives, measures and standards for the juvenile justice system as a whole has ever existed. The continued separation of planning and budgeting by the agencies contributes to the failure to look at juvenile justice issues from a systemic standpoint. There is often real and perceived competition for scarce resources between the agencies and budget requests are often used to define roles and missions as the agencies compete for appropriations. In addition, under the existing strategic planning and budgeting structure approved for the two agencies, inadequate attention has been given to the fact that outcomes and outputs (such as commitment, recidivism and specialized treatment rates) achieved by one segment or agency have a significant impact on the performance of the entire system.

FINDINGS

Current structures will permit coordinated plans and budgets, if not a single plan and budget.

- The boards of TJPC and TYC have established a Joint Board Committee that oversees and acts on recommendations of the combined agencies' staffs working on issues of common concern.
- As a result of this committee, the two agencies have recently been successful in the (a) joint development of a new strategic direction through a Progressive Sanctions Model, (b) agreement on common assumptions and projections for submission of the fiscal years 1996-1997 Legislative Appropriations Requests, and (c) identification of key measures and information systems compatibility deficiencies.
- The Governor's Office has developed a set of long-term goals, *Texas Tomorrow*, to guide state agencies in strategic planning.

It would be impractical to require TJPC and TYC to submit a joint or single plan and budget request, given that the agencies are under the direction of different boards. Additionally, TJPC is already obligated to participate in the coordinated strategic planning and consolidated budget of the Health and Human Services Commission.

The Criminal Justice Policy Council could help TJPC and TYC by providing a research base to guide the formation of juvenile justice policy.

- The Council analyzes crime trends, forecasts prison population figures and recommends improvements to the criminal justice system.
- The Council does not currently have statutory authorization to perform these functions for the juvenile justice system.
- A central repository for juvenile data would greatly aid the Council in this effort. (Specific recommendations regarding elimination of the statutory prohibition against such a data base are presented in Issue 55.)

RECOMMENDATION

Statutorily require the boards of Texas Youth Commission and Texas Juvenile Probation Commission to jointly develop a coordinated strategic plan for juvenile justice.

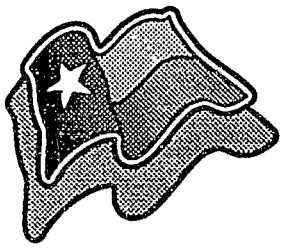
- Development of the plan should be facilitated by the executive and planning staffs of the respective agencies under the leadership of the ad hoc Joint Board Committee.
- The plan should be modelled after and directly support the *Texas Tomorrow* document issued by the Governor's Office.
- The plan should also articulate a unified vision, ensure adequate stakeholder input (including input from minority groups), identify system needs, provide agreed upon population and characteristics projections, delineate major strategic juvenile justice issues, set broad policy goals for juvenile justice and define system-wide outcome measures.
    - The process of identifying system needs should include an evaluation of aftercare services (for probation and parole populations) which emphasizes outcome measures such as recidivism and educational progress. (Further information and recommendations on parole/aftercare are presented in Issue 59.)
- The agencies could continue to develop and execute their respective strategic plans and budgets in direct support of the jointly developed coordinated juvenile justice strategic plan.

Authorize the Criminal Justice Policy Council to extend the scope of its work to the juvenile justice system.

Statutorily requiring TYC and TJPC to coordinate their planning and budgeting will ensure that the agencies continue their progress toward a more collaborative and efficient system. Additionally, the Criminal Justice Policy Council could be a valuable resource if given authorization to extend its scope to the juvenile justice system. If the recommendation is enacted, the planning and budgeting documents of the two agencies should be considered and approved together by the Legislative Budget Board. Joint appearances before legislative appropriations and finance committee hearings would also be desirable.

FISCAL IMPACT

None.



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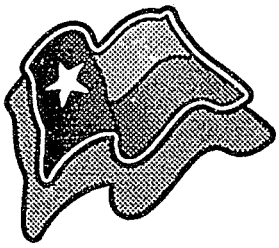

Safeguarding Our Future

Children & Families First

Appendices

APPENDIX A

Possible Indicators and Strategies for the Commission's Six Goals

Under each goal appears possible **indicators**, providing examples of measures for determining whether the goal is being met.

The possible **strategies** offer programs and services fashioned to improve the indicators under each goal.

The possible indicators and strategies listed below are not exhaustive, but are presented as ideas for the state and communities to consider in meeting its goals.

GOAL 1: All children will live in families that are stable, nurturing and supportive.

---------- POSSIBLE INDICATORS ----------

- Increased percentage of children living in permanent home settings
- Increased percentage of families living above poverty
- Decreased percentage of homeless children
- Increased employment rate
- Reduced incidence of child abuse and neglect

---------- POSSIBLE STRATEGIES ----------

- Provide parent training and support services for teen parents, single parents and low-income families
- Ensure immediate, intensive services to families that are abusive or neglectful
- Offer services and supports to children with disabilities and their families
- Implement parent involvement programs in schools
- Expand employment training opportunities
- Develop job placement programs

GOAL 2: All children in Texas will be healthy.

POSSIBLE INDICATORS

- Decreased low birth weight births
- Decreased infant mortality
- Fewer births to school-age females
- Reduced untreated health problems
- Reduced incidence of hunger

POSSIBLE STRATEGIES

- Ensure early and continuous prenatal care
- Provide appropriate services for high-risk pregnancies, such as mothers with substance abuse problems
- Provide pregnant women and children with access to "medical homes," meaning continuous care through a consistent set of providers
- Increase nutrition services and access to health care through the WIC Program, a supplemental nutrition program for pregnant women and children
- Reduce hunger through expansion of the Food Stamp Program
- Expand the Early Periodic Screening and Diagnostic Testing (EPSDT) Program to provide health services to low-income children
- Expand preventive dental services

GOAL 3: All children in Texas will enter school able to learn to their full potential.

---------- POSSIBLE INDICATORS ----------

- Increased percentage of completed immunizations
- Reduced uncorrected vision or hearing defects
- Reduced untreated health problems
- Increased observable school readiness traits (identified by kindergarten teachers)

---------- POSSIBLE STRATEGIES ----------

- Increase access to early childhood development programs
- Collaborate with the Head Start Program
- Provide children with access to "medical homes," meaning continuous care through a consistent set of providers
- Increase nutrition services and access to health care through the WIC Program, a supplemental nutrition program for pregnant women and children
- Expand the Early Periodic Screening and Diagnostic Testing (EPSDT) Program to provide health services to low-income children
- Expand preventive dental services
- Implement parent involvement programs

GOAL 4: All Texas children will succeed in school.

POSSIBLE INDICATORS

- Increased regular attendance
- Reduced retention
- Fewer dropouts
- Fewer suspensions/expulsions
- Increased academic achievement
- Increased percentage of students identified as emotionally disturbed who graduate
- Increased incidence of successful transition from graduation to employment/post-secondary education
- Reduced untreated health problems

POSSIBLE STRATEGIES

- Create mentoring programs
- Provide tutoring
- Promote accelerated learning
- Devise educational alternatives to expulsion
- Support inclusion
- Provide mental health services in homes, schools and communities
- Implement comprehensive school-based/school-linked services
- Expand the Early Periodic Screening and Diagnostic Testing (EPSDT) Program to provide health services to low income children

GOAL 5: All Texas youth will be deterred from crime or face a significant initial response before their behavior escalates.

POSSIBLE INDICATORS

- Reduction in substance abuse
- Increase in restitution completed
- Reduction in the severity of juvenile crime
- Increase in the use of diversion/intervention programs

POSSIBLE STRATEGIES

- Promote programs that develop student self-esteem and leadership skills
- Require peer mediation and anti-violence curriculum
- Create constructive, recreational activities for youth
- Provide innovative, diversionary programs for youth in at-risk situations
- Implement truancy programs
- Require drug prevention programs
- Offer substance-abuse services to help youth and families to become drug-free
- Provide assessments and significant response at the first point of contact with the juvenile justice system
- Ensure appropriate aftercare for juveniles released from commitment or probation

GOAL 6: All young people in Texas who commit violent or habitual offenses will face serious and certain consequences.

POSSIBLE INDICATORS

- Reduction in serious juvenile crime
- Increased use of the Violent and Habitual Juvenile Offender Act

POSSIBLE STRATEGIES

- Loosen restrictions on juvenile records so that authorities are apprised of a youth's previous offenses.
- Give the Texas Youth Commission the option to send youth to the adult system if they do not want to be rehabilitated.
- Expand the range of offenses for which youth are subject to determinate sentences.
- Ensure that youth released on parole are carefully supervised.

APPENDIX B

Year 2000 Benchmarks for Ten Critical Indicators

The indicators listed below support the goals in the Agenda for Children and are considered critical in improving the lives of Texas children. Benchmarks for the Year 2000 have been established whenever possible for the state of Texas to gauge its success in meeting its goals.

1. Decrease the percentage of children and youth under age 18 living in poverty.

Estimated percent of children 0-17 years of age living in family households with income below the federal poverty level	1990	2000
	24.0%	19.8%**

** National average in 1991

Source: Kids Count Data Book, 1993

2. Increase the incidence of healthy births. Specifically,

2A. Decrease the low birth weight rate.

Percent low birth weight (number of live births under 2,500 grams/total live births X 100)	1992	2000
	7.0%	6.0%

Source: Healthy Texans 2000, Texas Department of Health

2B. Decrease the infant mortality rate.

Infant mortality rate (number of infant deaths/total live births X 100)	1992	2000
	7.7%	7.0%

3. Increase the incidence of observable school readiness traits.

At present, there are no statistics upon which to base these projections, but the Texas Education Agency and the Legislative Budget Board are working together to develop a measure for the state.

4. Increase the percentage of businesses with family friendly policies.

The Texas Work and Family Clearinghouse (which is within the Texas Employment Commission) carried out a dependent care survey of Texas employers in 1991. The survey, although not scientific or exhaustive, does provide information that can serve as the basis for more comprehensive results. The Texas Work and Family Clearinghouse has offered to develop a better method of tracking this information in the future. (See Section on Family-Friendly Policies)

5. Increase the percentage of students identified as emotionally disturbed who graduate.

No data is available for this indicator at this time.

6. Increase the percentage of children found through an assessment/investigation to be in need of protection from family violence who received services beyond investigation.

Percent of children who receive needed services beyond investigation	1994	2000*
	57.7%	

** Insufficient data available to make projection

Source: General Appropriations Act, 73rd Legislature Regular Session, Senate Bill No. 5, II-70

7. Increase the percentage of medically indigent youth with substance abuse addiction receiving services.

Percent of medically indigent youth with substance abuse addiction receiving services	1993	2000*
	13.8%	

* Insufficient data available to make projection

8. Increase the percentage of youth who are successful in school. Specifically,

8a. Increase the percentage of youth who complete high school by age 19.

Percentage of youth completing high school	1991-92	2000-2001
	64.2%	90%

8b. Increase the percentage of high school sophomores who pass the reading, writing and math sections of the Texas Assessment of Achievement Skills (TAAS) test.

Percentage of high school sophomores passing all three sections of the TAAS test	1993-94	2000-2001*
	52%	

* Insufficient data available to make projections Source: Texas Education Agency

8c. Increase the percentage of youth who successfully transition from high school to full-time employment or postsecondary education.

No data is available for this indicator at this time.

9. Increase the percentage of youth who at the time of discharge from Texas Youth Commission parole are employed at least part-time, or are attending school or vocational/technical training.

Percentage of youth engaged in constructive activity	1993	2000*
	41.59%	

* Insufficient data available to make projections Source: Texas Youth Commission

10. Decrease the rate of recidivism, as measured by rearrest rates for juveniles.

Rate of recidivism (as measured by rearrest rate)	1990	2000*
	67.8%	

* Insufficient data available to make projections Source: Texas Youth Commission

APPENDIX C

The Commission's Service Delivery Mission Statement

Texas will support voluntary family-focused, community-based efforts through collaborative state and local, public and private partnerships.

The collaborative partnerships would help transform existing services and design new services to be:

Preventive - to promote the concept that potential risk factors and behaviors are best addressed before problems occur; and to avoid later and more costly crisis intervention and treatment services.

Family-oriented - to respond to the changing nature and needs of families; and to meet those needs in a way that maintains their dignity, unity, and respects their decisions.

Collaborative - to develop strategies and skills for joint planning, sharing of resources, problem solving and service delivery; to provide both formal and informal ways for people to communicate and collaborate in planning and programs; and to allow clients, community people and other agencies to creatively provide the most effective, efficient, responsive and flexible services.

Locally planned - to operate on the belief that each community has special characteristics, needs and strengths; and to include a cross section of local community partners from the public and private sectors in the planning and delivery of services and supports.

Community-based - to encourage and support communities to respond to their own needs by providing services within their communities, and to facilitate access to services by families in need.

School-linked - to promote the use of schools as resource centers where children and families may receive a variety of services directly or through referrals.

Single point of entry - to better address the needs of families by informing them of the range of services for which they may be eligible and helping them access these services.

Creative - to increase the flexibility of funding of programs to promote innovation in planning, development and provision of quality services; and to simplify, reduce and eliminate rules that are barriers to coordination and quality services.

Holistic and comprehensive - to design service and program strategies that consider all the needs of families and offer opportunities to meet these needs in a complete, rather than fragmented, fashion.

Culturally competent - to view the culture and beliefs of each family as a source of strength; and to provide equal access to ethnic and cultural groups in planning and programs, and actively address instances where clearly disproportionate needs exist.

Accountable - to include a fair and realistic system for measuring both short and long-range progress and determining whether efforts are making a difference and/or where improvements need to be made; to use outcomes and indicators that reflect the goals that communities establish for themselves and their children; and to work towards these goals and outcomes at all staff levels and in every agency.

Customer-oriented - to offer sufficient training and technical assistance to local efforts; to provide well-trained, committed and competent staff; and to respond to customers' needs as they see them.

APPENDIX D

Descriptions of Selected Model Programs for Children and Youth

The following is a compendium of model programs across the state:

Absent Student Assistance Project (ASAP):

The object of the Absent Students Assistance Project is to implement a daily home visit program of absent students. Harris County Precinct 6 decided to target Marshall and Jackson Middle Schools based on their high absentee rates. Deputies from Precinct 6 obtain information from both middle schools on daily absences and visit each absent student's home that evening. If there is no response at the home, bilingual fliers are left with information regarding the compulsory attendance laws and the telephone number of the school's attendance office. If it is determined through the home visit that further assistance is needed, the proper agency is notified.

Contact: Constable Victor Trevino (713) 923-9156

Any Baby Can, Inc.

Any Baby Can is a support center for families of young children ages birth through 12 years who have a chronic illness or disability, or who are at high risk for the development of a medical condition. The mission of Any Baby Can is to provide family centered, culturally sensitive care in case management, crisis assistance, support services and advocacy. The specific services that are offered include information and referral, comprehensive case management, crisis funds, funeral assistance, medical equipment loans, parent resource library, parent and sibling support group and educational seminars, family counseling services, Christmas Adopt-a-Child and the Texas Network for Medically Fragile and Chronically Ill Children. All services are provided at no cost regardless of family income.

Contact: Marian Sokol (210) 377-0222

Annie E. Casey Mental Health Initiative for Urban Children:

Texas is one of three states receiving funds from the Casey Foundation to improve outcomes for troubled children, youths and their families through new service delivery systems. Houston's Third Ward is the demonstration site in Texas. The objective of this project is to develop, on a neighborhood scale, a community-based mental health service delivery system that focuses on prevention and early intervention efforts and empowers families and consumers in the neighborhood to be active participants in decision-making in regard to their needs and the use of resources.

Contact: Sharon Walter (713) 659-8630

AVANCE:

AVANCE has been nationally recognized for establishing a successful family intervention program for hard to reach families with a special emphasis on serving Hispanic families.

AVANCE provides a comprehensive model of services including bilingual classes for parents on child growth and development, community resource awareness, nutrition, and toy-making. In addition, parents are able to attend English as a Second Language, G.E.D. and college classes on-site. While the parents are in class, the AVANCE center child care provide snacks and meals for the children as well as transportation to and from the centers. Services are offered in housing projects, colonias and schools as well as the AVANCE centers which are situated in the most needy areas in Houston, San Antonio and the lower Rio Grande Valley.

Contact: Gloria Rodriguez (210) 270-4612

CEDEN:

Ceden serves pregnant women and parents with children up to three years of age. Primary program components consist of group meetings and home visits. Ceden also has a resource center and does child screenings and assessments. Program goals include: improve birth outcomes, prevent childhood development delays, and improve family self-sufficiency.

Contact: Emily Vargas Adams (512)477-1130

Challenge Boot Camp:

The Challenge Boot Camp is the first of a three-phase program for serious juvenile offenders. Offenders reside in a boot camp for a minimum of ninety days where physical labor and strict discipline is emphasized as a method for instilling self-discipline and respect for the law. The Challenge program was created to provide an alternative for institutionalization for adjudicated juveniles through a community-based correctional program. The majority of the time in the Challenge program is spent on education - rebuilding ethics, morals and a sense of responsibility.

Contact: Sam Santana (915) 772-2133

Community of Caring (COC):

Community of Caring focuses its program on teen parents. The themes of the program are personal responsibility, planning for future goals, and humane and ethical parenting. The program provides group meetings, home visits, and referrals.

Contact: Sarah Daehling (512) 458-1281

Communities in Schools (CIS):

Communities in Schools is an in-school multi-disciplinary approach to decreasing the drop-out rate in Texas schools by increasing each participant's chance of being successful in school. CIS promotes and facilitates the coordinated delivery of community health and social services on elementary through secondary campuses for young people and their families who live in at-risk situations. CIS was adopted from the national program entitled Cities in Schools dating back to the 1960's. It began in Houston in 1979, becoming a statewide program in 1984 administered by the Texas Employment Commission. By 1995, CIS will be operating 244 state-funded campuses in 26 cities across the state.

Contact: Susan Hopkins (512)463-0425

Court Appointed Special Advocate (CASA):

Texas CASA, Inc. is a nonprofit organization which advocates for the best interests of abused and neglected children. There are at least 32 CASA programs across Texas. Volunteers facilitate and expedite the permanent placement of abused and neglected Texas children, who could otherwise spend months or years under the state's care. Volunteers undergo intensive training before they are appointed by a judge to represent children brought before the court.

Contact: Jane Gump (512) 473-2627

Dallas Youth and Family Service Centers:

The Dallas Independent School District Youth and Family Service Centers are designed to find more effective and creative ways to address the unprecedented social problems that exert a negative impact on the learning process and seriously reduce the likelihood of student success in school. The three initial sites became operational in Spring of 1994 and provide a broad range of co-located health and human services at a single site to children between the ages of 1 to 19. The Youth and Family Service Centers are a collaborative effort between the City of Dallas, Dallas County and Dallas Independent School District.

Contact: Rosemarie Allen (214) 824-1620

Early Childhood Intervention Program (ECI):

The Early Childhood Intervention Program is a statewide system of family-focused services for children with developmental delays. Services offered for children ages 0 to 3 include screening and assessments, physical, occupational, speech and language therapy, and activities that develop cognitive and adaptive skills. Families of these children are served through case management, training on how to teach their children, counseling and support groups. The ECI program serves 254 counties with 76 local programs.

Contact: Mary Elder (512)458-7673

Health and Human Services Commission's Client Access Pilot Project:

House Bill 7, which created the Health and Human Services Commission, directed the Commission to develop a client access package and test it in at least three pilot sites - one each from a rural, medium and metropolitan size county. The purpose of the model is to eliminate many of the problems identified in Comptroller Sharp's report, *Breaking the Mold*, including multiple locations, different eligibility requirements and lack of interagency cooperation. The concept of the "one-stop" connection to services is the most important feature of the projects. Persons seeking services provide information about their situation to an intake worker who uses an automated intake process to collect the information, determine what services are needed and either provide the services or refer the client to the appropriate service provider. This automated component eliminates or reduces the need to ask repeatedly for the same information from those needing help.

Contact: Peggy Garrison (512) 502-3200

Healthy Start:

Healthy Start is designed to prevent child abuse and neglect and to promote positive child development starting at birth. Primary program components include home visits, group meetings, and hospital-based screenings. The program also provides a resource center, case management, and child care among its services.

Contact: Sarah Daehling (512) 458-1281

Home Instruction Program for Preschool Youngsters (HIPPY):

The HIPPY program was originally developed in Israel and is currently one of the Children's Trust Fund model curriculums. The program uses paraprofessionals from the community to give home-based and group instruction to low-income parents of preschool children. The intent is to better prepare these children for school. The program focuses on teaching parents how to help their children learn the basic skills necessary for early school success including language development and problem solving activities.

Contact: Sarah Daehling (512) 458-1281

Making the Grade:

Making the Grade is a community collaborative effort through which representatives from a broad sector of the community plan and implement services for high-risk youth. Making the Grade began in Victoria as part of the National Collaboration on Youth's initiative targeted at creating awareness of issues impacting America's youth. The collaboration has resulted in a framework that fosters community networking and cooperation. Pilot programs that have been initiated through efforts of Making the Grade, Victoria have included community awareness forums, business-sponsored teacher welcomes, literacy fairs, World Scholar program, teen parent and day care program, peer retreats, Teen Assessment Survey, Black Alliance for Youth and mentoring programs at local high schools.

Contact: (512) 578-0270

McLennan County Youth Collaboration:

The McLennan County Youth Collaboration is a non-profit organization comprised of 62 member agencies and organizations in McLennan County dedicated to meeting the needs of the youth in the area. The collaboration provides a formal mechanism through which agencies and organizations can assess needs, develop strategies and take action steps in a collaborative partnership to achieve common goals for youth. The belief of the program is that only through agency collaboration can the multiple needs of young people for food, shelter, clothing, education, employment, health care, family and positive personal growth be met. McLennan County Youth Collaboration projects include Communities in Schools, the Lighted School, Community "Momentum Teams", Community Resource Coordination Group, State of the Child Conference, Candidates' Forum and Family Fun Day.

Contact: Cathy Jordan (817) 753-6002

Mentor Program:

The Mentor Program is a partnership between Tom Green County Juvenile Justice Center and the San Angelo Independent School District designed to match volunteers from the community with at-risk students in grades K-12. The role of the mentor is to provide a positive role model, motivating the child and stressing the importance of a good education. The mentor meets with the student on campus during school hours at least once a week during the academic year. The main purpose of the frequent meetings is to build a relationship of trust and support between the mentor and the mentee. A commitment for the academic year, an orientation and training are required for a mentor to be matched with a student.

Contact: Linda Kilman (915) 655-2323

Nurturing Program:

Nurturing is a family-based program, targeting at-risk families with children aged 0-5. Programs are designed to prevent child abuse by building healthy, nurturing skills in families. The program provides group meetings, home visits, referrals and some counseling. It often includes children's classes and child care.

Contact: Sarah Daehling (512) 458-1281

Parents As Teachers (PAT):

PAT is designed to encourage children's intellectual development. PAT provides parents with training and support services that enable them to enhance their children's intellectual, language, physical, and social growth. Program services include home visits, group meetings, checkups of the child's educational and sensory development, and a resource center.

Contact: Mary Ellen Nudd (512) 454-3706

Practical Parenting Education (PPE):

PPE is a family-based program for families with children age 0-18. PPE provides parenting information regarding discipline, self-esteem, and communication. The focus is on strengthening the parent-child relationship. The program includes group meetings, home visits, and a resource library.

Contact: Judy Farmer (512) 467-0222, ext. 6115

Promise House:

Promise House is a multi-faceted youth program with services that include emergency shelter care for homeless and runaway youth and family counseling that attempts to keep youth at home and maintain the family's integrity whenever possible. An education program coordinated with the Dallas Independent School District allows students to continue their education while in the shelter. The Promise House is one of the sites across the state that offers the STAR program, which provides state supported runaway services to families.

Contact: Lee Schimmel (214)941-8578

Salesmanship Club Youth and Family Centers:

The Salesmanship Club is a group of Dallas-area businessmen who since 1920 have worked to help countless families gain perspective on emotional issues that might have otherwise proven overwhelming. Programs offered by the Salesmanship Club include the J. Erik Jonsson Community School that offers children who are emotionally and educationally at-risk an environment that will allow them to excel, to become lifelong learners and to be contributors to the community; and the Salesmanship Club Camp, a residential and therapeutic program for youth who are experiencing significant behavioral difficulties. The Salesmanship Club also provides counseling services to low-income families.

Contact: Kit Skipper (214) 948-1818

San Antonio Corporate Child Care:

The San Antonio Corporate Child Care Collaborative is a public/private child care fund created to improve the quality and quantity of area child care services for the employees of local businesses and the community at large. Its goal is two-fold: (1) to expand and improve child care services available to working families in the community, thereby increasing the overall productivity of the present workforce and (2) to nurture the positive development of children through quality child care, thus creating the foundation for San Antonio's future work force. Members include large corporations, small businesses, concerned individuals and government agencies in San Antonio who pool their financial resources into one fund administered by the San Antonio Area Foundation. Grants are then made to local child care organizations to expand the quality and availability of child care in San Antonio.

Contact: Anne Howell (210) 246-5214

San Antonio Fighting Back:

San Antonio Fighting Back is a comprehensive drug prevention program of the United Way of San Antonio and Bexar County and the Robert Wood Johnson Foundation. The goal of this program is to establish a continuum of care to effectively address alcohol and other drug abuse through a comprehensive prevention, intervention, treatment, relapse prevention program and a community improvement component. The service area for Fighting Back is the east and southeast sectors of San Antonio, with three Neighborhood Resource Centers located throughout the area, providing training, coordination, support, resource development and technical assistance for community activities.

Contact: Beverly Watts-Davis (210) 299-1057

School of the Future:

The School of the Future model, which grew out of the work of education scholars Dr. James Comer and Dr. Edward Zigler, provides an integrated array of health and human services, both prevention and treatment, using public schools as the locus of their delivery. The Hogg Foundation for Mental Health is demonstrating the effectiveness of the School of the Future concept at four sites located in urban, low-income neighborhoods in Austin, Dallas, Houston and San Antonio. Each of the four sites provides services based on a needs assessment and are designed to meet the needs of their community. An important component

to the School of the Future model is that each site has a project coordinator who is an experienced social worker responsible for working with school administrators and teachers and for establishing links with local service agencies. The coordinator provides a point of contact for outside agencies, has primary responsibility for planning and logistics and develops parent education, job training and support programs to encourage parents to become involved in the schools and their children's education.

Contact: Scott Kier (512) 471-5041

Serious Habitual Offender Comprehensive Action Program (SHOCAP):

SHOCAP is an information system that enables practitioners of the juvenile justice system to focus attention on a percentage of juveniles who repeatedly commit serious offenses in the community. To this extent, it serves to provide protection to the community. In addition, the SHOCAP program provides case management and services to identified juveniles. The development and implementation of SHOCAP are due to the cooperative efforts of the juvenile court, law enforcement officials, probation and parole authorities, prosecutor's office, the Department of Human Services, school authorities and representatives of the U.S. Army.

Contact: El Paso Juvenile Probation Department (915) 772-2133

Southwest Key Program:

The Southwest Key Program is a private, non-profit agency which operates community based treatment programs for delinquent youth and their families in almost every major city across Texas and Arizona. Southwest Key currently operates eight different program models including Outreach and Tracking, Day Treatment, secure and non-secure Residential Treatment Centers, Independent Living, a STAR program for runaways, a family preservation program and the High-Impact Program, an innovative new project that coordinates a continuum of services for youth from a brief period of incarceration through their eventual release to standard parole.

Contact: (512) 462-2181

Spurs Drug Free Youth Basketball League:

The Spurs Drug Free Youth Basketball League provides a safe and drug-free environment for young people ages 9 to 16 in the San Antonio area to play basketball, improve their athletic skills and learn team work, cooperation and discipline. The Spurs League is a cooperative effort targeting young people from less affluent areas of the city who might otherwise not have the opportunity to play basketball. All coaches are trained on how to talk to their players about drugs. Coaches and players are required to recite a drug-free pledge prior to each game and to attend a special Spurs clinic where drug use is discussed.

Contact: Frank Martin (210) 654-6938

Sunset High School:

Sunset High School is an alternative high school in the El Paso Independent School District that provides students with a setting for training in both work skills and educational opportunities. Sunset High School offers regular academic courses and a GED program as well as an individual program of instruction entitled the Recovery Program. Key elements of the program include (1) individualized and self-paced instruction, (2) a systemic multimedia approach to instruction and (3) student progression through program based on mastery of the essential elements at the grade level. In addition, part-time students are able to enroll in evening classes and transfer credits back to their home campuses, enabling them to make up credits and graduate on time. Full-time students can also use the evening course schedule to work around their employment.

Contact: James Archer (915) 545-5900

Truancy Reduction Impact Program (T.R.I.P.):

In the Truancy Reduction Impact Program, or T.R.I.P., local law enforcement officers pick up truant youth and take them to a holding center where assessment and evaluation takes place. Officers attempt to identify underlying conditions that may be causing to youth to be truant. The TRIP program is a community-based program with local cooperation from law enforcement, juvenile justice and education agencies, human services organizations and the judiciary.

Contact: Linda Bridges (512) 855-0482/ Rudy Canton (512) 883-7201

APPENDIX E

Additional Commission Information

Legislative History

The Texas Commission on Children and Youth was created by statute (Senate Bill 155) during the 73rd Legislature. Sponsored by Senator Jim Turner (D-Crockett), the legislation charged the Commission with developing a comprehensive proposal to improve and coordinate public programs for children and youth and to achieve specific goals in the areas of education, health care, juvenile justice, and family services.

The Governor designated Senator Jim Turner to be the Chairman of the Commission, and Representative Allen Hightower (D-Huntsville) to be Vice-Chairman.

Members

The commission is composed of 18 members, six of whom are appointed by the Governor, six by the Lieutenant Governor, and six by the Speaker of the House of Representatives. Three of the Lieutenant Governor's appointments are members of the Senate, and four of the Speaker's appointments are members of the House of Representatives.

Ex-officio members of the commission designated under the statute include the Executive Director or Commissioner of the Texas Education Agency, Texas Youth Commission, Texas Juvenile Probation Commission, Texas Department of Protective and Regulatory Services, Texas Department of Health, Children's Trust Fund of Texas Council, Texas Health and Human Services Commission, Texas Department of Mental Health and Mental Retardation, Texas Agricultural Extension Service, and Texas Commission on Alcohol and Drug Abuse.

Other ex-officio members are the Attorney General and Comptroller of Public Accounts; the Director of the Governor's Office of Health and Human Services; the Executive Directors of the Texas Employment Commission, the Texas Department of Criminal Justice, the Texas Department of Human Services, and the Council on Sex Offender Treatment; and the Chair of the Juvenile Advisory Committee of the Texas District and County Attorneys Association.

Final Report

The Commission will submit its final report with recommendations to the Governor, Lieutenant Governor, and the Speaker of the House by December 1, 1994, in preparation for the consideration of the 74th Texas Legislature which convenes in January 1995.

Public Hearings

A series of public hearings was held between January and June around the state to obtain comments and suggestions from citizens and experts. Hearings were held in Houston, Huntsville, Laredo, Corpus Christi, San Antonio, Lubbock, Dallas, El Paso, Waco, Edinburg, Bryan/College Station, and Austin.

Workgroups

The Commission has divided into workgroups to address the issues under the statute. These are: Prevention/Intervention; Juvenile Justice; Service Delivery; and an Executive Committee.

The Service Delivery workgroup will examine the current structure of the service delivery system as a whole, focusing on developing new state and local level mechanisms to improve the coordination of services to children.

The Prevention/Intervention workgroup will develop an integrated family services model and a Children's Agenda for Texas.

The Juvenile Justice workgroup will identify the statutory and institutional reforms necessary to ensure earlier more significant responses to juvenile crime.

The Executive Committee will oversee and coordinate the work of the other three groups, and examine the potential for obtaining additional federal funding and realignment of existing state funds to better support children's services.

Statutory Goals

Education related goals include reducing the rate of school dropouts, increasing parental involvement and accountability, reviewing disciplinary procedures, and ensuring that all children are prepared to enter the work force upon graduation.

Health related goals include increasing access for all children to basic health care, including preventive care, prenatal care, immunization, and mental health services.

Juvenile justice goals include improving services for pre-delinquent and at-risk children, providing effective supervision, treatment, and aftercare services for children in the juvenile justice system and establishing a mechanism for cooperation among agencies that deal with juvenile crime.

Family services goals include improving prevention, detection, and treatment of abused or neglected children, reviewing the rules governing foster care for children, and recommending ways to provide child care for all children of working parents.

Members of the Commission

Senator Jim Turner, Chairman of the Commission, is from Crockett in East Texas. He has been in the Senate since 1991 and served two terms in the House of Representatives. Senator Turner is the Vice-Chairman of the Senate Finance Committee and is on the Education and Criminal Justice Committees.

Representative Allen Hightower, from Huntsville, is Vice-Chairman of the Commission and has been a member of the House of Representatives since 1983. He is Chairman of the House Corrections Committee, is a member of the Agriculture and Wildlife Management Committee and was Co-Chairman of the Texas Punishment Standards Commission.

Senator Carlos Truan, from Corpus Christi, has been a member of the Senate since 1977 and previously served four terms in the House of Representatives. He chairs the Senate Committee on International Relations, Trade, and Technology and is Vice-Chairman of the Senate Natural Resources Committee. He also is a member of the Health and Human Service Committee and the Finance Committee.

Senator Judith Zaffirini of Laredo has been a member of the Senate since 1987. She chairs the Senate Health and Human Services Committee and is on the Finance, Education and Redistricting Committees.

Representative Garnet Coleman of Houston has been a member of the House of Representatives since 1991. He is on the Appropriations and Public Health Committees.

Representative Nancy McDonald, from El Paso, has been a member of the House of Representatives since 1984. She is Vice-Chairman of the Appropriations Committee and is on the Public Health and Calendars Committees.

Representative Allen Place of Gatesville has been a member of the House of Representatives since 1990. He chairs the House Criminal Jurisprudence Committee and is on the House Corrections Committee.

Betty Anderson is a community leader and executive level volunteer from Lubbock. She has been a leader of numerous organizations and commissions, and is an advocate for issues related to families and children, human welfare, the aged and disabled, health care and housing and homelessness.

Lynda Billa Burke is a member of the San Antonio City Council and is an active civic leader. She has been involved in the Downtown YMCA and the Bexar County Juvenile Board Review Committee and is an advisor to the Texas Juvenile Probation Commission.

Dr. Libby Doggett, from Austin, is currently Executive Directive of The Arc of Texas, a non-profit organization dedicated to assisting citizens with mental retardation and other developmental disabilities. She serves on numerous state and national councils and committees and as an advocate for children and people with disabilities.

Matthew Dowd of Austin is currently Managing Partner of Public Strategies, Inc. a national public affairs firm which works with associations and corporations across the country. He has worked for U.S. Senator Lloyd Bentsen and U.S. Congressman J.J. Pickle.

Betty Jo Hay, from Dallas, serves on numerous boards and committees relating to children, higher education and mental health. She is a member of the National Board of Parents as Teachers and was a member of the National Commission on Children.

James Ketelsen of Houston is the retired Chairman and CEO of Tenneco, Inc. and a former member of the University of Houston Board of Regents. He has been a leader in numerous civic functions and serves on various boards relating to education.

Thaddeus Lott, Sr. is the lead principal for an elementary school in the Houston Independent School District. He is a member of numerous associations relating to education and educational administration.

Becky McPherson, from Lockney in West Texas, is the District Attorney for the 110th Judicial District, which includes Briscoe, Dickens, Floyd and Motley Counties. She serves on several legal associations.

Graciela Saenz is a member of the Houston City Council. She is a former prosecutor and a member of the George H. Hermann Society of Hermann Hospital and serves on the board of the Galveston Bay Foundation.

Dr. Rosie Sorrells is the former Director of Early Childhood Education for the Dallas Independent School District. She holds various certifications relating to education and has served on numerous local, state and national educational boards and commissions.

Elizabeth Williams, from Huntsville, is the Director of the Global Children's Studies Center at Sam Houston State University. Born in Belfast, Northern Ireland, she was awarded the Nobel Peace Prize in 1977 for her work in Northern Ireland. She has been active in organizations promoting peace efforts and helping the young and impoverished throughout the world.

Texas Commission on Children and Youth
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