



October 2017, Number 85-2

## General Government

### Local governments to identify cost of public notices

*October 4* — Under a new Texas law, political subdivisions other than junior college districts will have to include a line item in their budgets showing how much they spend on notices they are required by law to publish in a newspaper. [SB 622](#) by Burton, enacted this year during the regular session of the 85th Legislature, requires the line item to allow a clear comparison between expenditures on statutorily required notices in the proposed budget and actual expenditures for the notices in the preceding year. The new requirement applies to proposed budgets for fiscal years starting on or after January 1, 2018.

Current law requires public notice of meetings, contracts, and certain other activities by political subdivisions to be printed in a local newspaper, but declining circulation of print newspapers in recent years has led to questions about whether this method is still cost effective and sufficient to reach Texans. The Joint Committee on Advertising Public Notices, established through [HCR 96](#) by the 84th Legislature in 2015, heard testimony on notice requirements at a public [hearing](#) in August 2016. The committee recommended that print notice requirements remain in place but said the Legislature should continue to study them. According to the committee's [interim](#) report, the true cost of

advertising public notices is uncertain, as local governments often aggregate these costs with other advertising expenses.

**Supporters of SB 622** said it would promote transparency in government and allow lawmakers to distinguish how much political subdivisions spend on printing statutorily required public notices in newspapers from how much they spend for other advertising. They said it would improve understanding of the true cost of the notices and facilitate further study of the issue.

If providing this information were voluntary instead of mandatory, as proposed by some critics, it would be difficult to ascertain the actual cost of required notices, supporters of the bill said. They said gathering the information could help the Legislature avoid placing an onerous requirement on local governments.

**Critics of SB 622** said some smaller political subdivisions that outsource their data processing could incur costs or otherwise have difficulty complying with the bill. They said the Legislature instead should make it voluntary for local governments to itemize the costs of printing public notices in newspapers.

— Mary Beth Schaefer

## General Government

### Proposed constitutional amendments to go before voters

*October 9* — Voters will consider seven propositions to amend the Texas Constitution in the Nov. 7 election. The propositions were approved for the ballot by the 85th Legislature earlier this year.

Among the issues to be considered by voters are proposals to:

- provide a homestead exemption for partially donated homes of disabled veterans;

- revise home equity loan provisions;
- limit terms for certain appointees of the governor;
- require court notice to the attorney general of a constitutional challenge to state laws;
- amend eligibility requirements for sports team charitable raffles;
- provide a homestead exemption for surviving spouses of certain first responders; and
- allow banks to hold raffles promoting savings.

(continued on page 2)

The Texas Legislature proposes amendments to the state constitution in joint resolutions, which must be approved by at least a two-thirds vote of the membership of each house. A joint resolution includes the ballot wording of the proposed amendment and a specific election date. The Texas [secretary of state](#) conducted a random drawing to assign a number to each proposition for this year's [election](#).

Constitutional amendments take effect when the official vote canvass confirms statewide majority approval unless a later date is specified. Some amendments are self-enacting, and others

required the Legislature to enact “enabling” legislation. If voters reject the amendment, the enabling legislation dependent on it does not take effect.

More information about the proposed amendments for the upcoming election, including ballot language and arguments for and against each measure, can be found in the HRO's focus report, [Constitutional Amendments Proposed for November 2017 Ballot](#).

— Janet Elliott

*Criminal Justice, Public Education*

## Legislature revises laws to address cyberbullying

[October 10](#) — Texas lawmakers this year revised state laws on bullying and cyberbullying among youth, and school districts began implementing the changes with the new school year.

A new law, [SB 179](#) by Menéndez, is called “David’s Law” in honor of David Molak, a 16-year-old high school student in San Antonio who committed suicide in 2016. Under the law, for the first time, a definition of cyberbullying is added to the statutes, and school districts must expand their bullying policies to address it. The definition includes incidents occurring off school property or outside of school activities if the cyberbullying interferes with a student’s educational opportunities or substantially disrupts a classroom, school, or school activity. The law also requires that district policies include a way for students to make anonymous reports and a procedure to notify parents of alleged victims within three days of an incident.

Supporters of the measures said they would improve schools’ ability to address the rise of cyberbullying without burdening school districts. While parents play an important role in handling bullying, advocates of SB 179 said, the state should do all it can to prevent tragic incidents like David’s and those of other Texas youths who have taken their lives as a result of bullying. Some critics said prevention, early intervention, and other strategies would be better than punitive measures such as expulsion, while others said the law should go further by giving schools more resources to help prevent bullying.

The law allows public and charter schools to remove students who have engaged in bullying from class and place them in a disciplinary alternative education program. It also allows them to expel students for bullying that encourages suicide, incites violence through group bullying, or releases intimate visual material of a student. Supporters of these provisions said schools need tools to intervene in the most serious cases, including separating the bully from the victim.

SB 179 also increases the criminal penalty for harassment that involves certain types of electronic communications. The punishment increases from a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) to a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) if repeated electronic communications were sent to someone under 18 years old with intent that the receiver commit suicide or self-inflict serious bodily injury. Supporters of the change said it would address gaps in current criminal laws by increasing penalties for the most serious cyberbullying and would update a current offense, not increase criminalization. They also said those subject to the higher penalty would be handled through the juvenile justice system, which is focused on rehabilitation and uses sanctions such as restitution, community service, counseling, and parental intervention. Critics said education and prevention, not criminalization, would better address the problem.

Under the new law, youths or their parents may ask civil courts to address cyberbullying, and courts may issue temporary restraining orders, temporary injunctions, or permanent injunctions to stop it. The orders can prohibit someone from engaging in cyberbullying or compel a parent to take reasonable actions to cause someone younger than 18 to stop.

SB 179 also expands resources to educate students and others on mental health issues, including continuing education for teachers and principals on evidence-based, grief-informed, and trauma-informed strategies to support students’ academic success. The Texas Education Agency must work with other entities to create a website with resources on working with students who have mental health conditions. The new law also revises the list of mental health, substance abuse, and suicide prevention topics on which the Department of State Health Services, in conjunction with other entities, must provide information for public schools.

— Kellie A. Dworaczyk

## Human Services

**DFPS to expand life skills assessment to younger foster youth**

*October 25* — Under a new law enacted by the Texas Legislature this year, the Department of Family and Protective Services (DFPS) must conduct independent living skills assessments for a wider age range of youth in foster care. The assessment is used to identify the types of assistance youth may need to prepare for adult life outside the foster care system.

[SB 1758](#) by Zaffirini, which took effect September 1, requires the assessment for youth in DFPS [permanent managing conservatorship](#) who are 15 years old and for all youth in DFPS conservatorship who are at least 16 years old. Starting September 1, 2018, DFPS also must conduct assessments for 14-year-olds in permanent managing conservatorship. Before the new law took effect, DFPS conducted the assessment, which is in an online self-reporting format, around a youth's 16th birthday.

The [independent living skills assessment](#) is provided by DFPS through the Preparation for Adult Living (PAL) [program](#), which is designed to prepare foster youth for adulthood. It measures competency in eight areas: daily living (food preparation, home maintenance, and computer basics); self-care (personal health and hygiene); relationships and communication; housing and money management; work and study; career and education planning; personal goals; and permanency (ability to establish permanent connections within a youth's community and biological or adoptive family). SB 1758 requires DFPS to update each assessment annually, coordinating with the youth, the caseworker and caregiver, and PAL program staff to ensure youth receive information and training relevant to their age.

Assessment results are used to develop plans, including training, to help youth in foster care cultivate skills needed to transition into adulthood. Training emphasizes health and safety,

housing and transportation, job readiness, financial management, life decisions, and social relationships.

Under the new law, for a child in DFPS conservatorship whose permanency goal is another planned permanent living arrangement, the court must determine at the permanency hearing whether DFPS conducted the mandatory assessment. The court also must confirm that the child has received certain identification documents.

**Supporters of SB 1758** said it would improve outcomes for foster youth and strengthen DFPS accountability. Reports indicate some foster youth are not adequately prepared to live independently and are prone to unemployment and homelessness after they exit the foster care system. Requiring DFPS to conduct an assessment for foster children in permanent managing conservatorship who are at least 14 years old would give these children more time to transition as self-sufficient adults.

Supporters also said the bill would enhance accountability by requiring courts to verify that foster children received their legal documents, such as Social Security cards and birth certificates, and their medical history information, depending on the foster child's age. Timely receipt of these documents would help foster children apply for jobs, college, and housing, if necessary.

**Critics of SB 1758** said providing a life skills assessment to more youths annually would cost the state \$2.4 million in fiscal 2018-19 and about \$1.1 million each year thereafter. They said the assessment is an ongoing expense and that the Legislature should consider spending that money on other priorities.

— Alison Hern

## Transportation

**New state laws allow for changes to driver's license appearance**

*October 30* — The photograph on a Texas driver's license no longer has to be in color under a new law enacted this year by the 85th Texas Legislature. HB 1345 by Dale, which made the change, applies to a license issued or renewed on or after September 1, 2017. The Department of Public Safety (DPS) has not stated whether it will change photographs on driver's licenses, only that the new law will allow the department to explore all options when the next contracting opportunity arises.

Texas has issued a plastic laminated license with a color photograph since 1968. [HB 1345](#) amended Transportation

Code, [sec. 521.121\(a\)](#) to remove the word "color" from the requirement that a non-commercial driver's license include "a color photograph of the entire face of the holder." This change mirrors a provision in [HB 1888](#) by Capriglione, enacted in 2015 by the 84th Legislature, which removed the requirement that photographs for commercial driver's licenses be in color.

Supporters of HB 1345 said that DPS should have the flexibility to issue licenses with the highest levels of security, durability, and quality, as well as the opportunity for a more

(continued on page 4)

competitive procurement process when the department considers future driver's license technology. The bill would not require black-and-white photographs on driver's licenses, supporters said, but merely would remove the requirement that images be in color.

While some voiced concerns that allowing Texas to return to black-and-white images might be a step backward for public safety, supporters said the bill was necessary to authorize DPS to use superior technologies, such as etching or laser engraving, that provide additional security from counterfeiting but cannot produce a color image. At least five states and the District of

Columbia currently laser engrave photographs on their driver's licenses, and the United States is among several countries that use this technology for certain international identification cards.

Another law enacted by the 85th Legislature also will affect the appearance of Texas driver's licenses. [HB 1823](#) by Canales requires accents, tildes, umlauts, and other diacritical marks used in a person's name to be properly recorded on all driver's licenses, learner's permits, and personal identification certificates issued or renewed on or after January 1, 2019.

— *MacKenzie Nunez*