



Texas Abstinence Education Contractor Compliance Report

As Required by

**2020-21 General Appropriations Act, House
Bill 1, 86th Legislature, Regular Session, 2019**

**(Article II, Health and Human Services
Commission, Rider 71)**

Health and Human Services

December 2019



TEXAS
Health and Human
Services

Table of Contents

Table of Contents	1
Executive Summary	2
1. Introduction	3
2. Background	4
Funding	4
Contracting Requirements	4
3. Awarded Contracts	6
Federal Fiscal Year 2019	6
Federal Fiscal Year 2020	6
4. Contractor Compliance	8
Compliance Findings	9
5. Conclusion	12
List of Acronyms	13

Executive Summary

The *Texas Abstinence Education Contractor Compliance Report* for fiscal year 2019 is submitted per the 2020-21 General Appropriations Act (House Bill [H.B.] 1, 86th Legislature, Regular Session, 2019 (Article II, Health and Human Services Commission [HHSC], Rider 71).

HHSC administers the Abstinence Education Program (AEP), funded through state general revenue and federal grant awards from the Administration on Children and Families. HHSC awards AEP grant funds through contracts to eligible community organizations, including faith-based organizations, youth-service programs, school districts, and health departments, with the purpose of providing abstinence sexual education services to reduce the need for future family planning services for unwed minors in communities with high teen pregnancy rates. Populations to be served include culturally underrepresented youth populations, especially Hispanic, African-American, or Native American teenagers; youth in or aging out of foster care or adjudication systems; youth who have been trafficked; youth who have run away; youth experiencing homelessness; and other vulnerable youth populations.

Contracted organizations must meet requirements established at the state and federal levels and participate in quality assurance (QA) reviews or monitoring visits to ensure ongoing compliance.

In federal fiscal year 2019, HHSC performed compliance monitoring reviews based on risk on 7 out of 17 contractors. The contractors' compliance reviews and findings are listed in section four of this report.

1. Introduction

Rider 71 requires HHSC to submit a report on AEP contractor compliance annually, by December 1, to the Office of the Governor and the Legislative Budget Board. The U.S. Congress amended Section 510 of the Social Security Act (42 U.S.C. §710) in fiscal year 2018 to update requirements for the Title V Sexual Risk Avoidance Education Program (SRAEP)¹. This report details contractor compliance for federal fiscal year 2019.

Rider 71 further requires the report to include verification that AEP funds are used to implement sexual risk avoidance education programs that comply with each of the components of the abstinence sexual education program described under Section 510 (b)(2) of the Social Security Act (42 U.S.C. §710(b)).

Specifically, federal statute states that education on sexual risk avoidance pursuant to an allotment under this section shall:

- A. Ensure that the unambiguous and primary emphasis and context for each topic described in paragraph (3) is a message to youth that normalizes the optimal health behavior of avoiding non-marital sexual activity;
- B. Be medically accurate and complete;
- C. Be age-appropriate;
- D. Be based on adolescent learning and developmental theories for the age group receiving the education; and
- E. Be culturally appropriate, recognizing the experiences of youth from diverse communities, backgrounds, and experiences.

¹SRAEP is the new program name for the federal Abstinence Education Program per the 2018 updates to the Title V program. The HHSC program is still referred to as AEP.

2. Background

HHSC awards state general revenue and Administration on Children and Family (ACF) grant funds to contracted community organizations including faith-based organizations, youth-service programs, school districts, and health departments to provide abstinence sexual risk avoidance education services in communities with high teen pregnancy rates.

Rider 71 defines abstinence education as materials that:

- Present abstinence from sexual activity as the preferred choice of behavior for unmarried persons; and
- Emphasize that abstinence from sexual activity, used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted disease, and infection with the human immunodeficiency virus or acquired immunodeficiency syndrome.

Funding

The Title V SRAEP Grant Program is administered through ACF and authorized by Section 510 (b)(2) of the Social Security Act (42 U.S.C. §710(b)). Title V provides funding to states and territories for sexual risk avoidance education. The goals of this grant program are to support the decision to voluntarily refrain from sexual activity, reduce teen pregnancy rates, and reduce the spread of sexually transmitted infections. The program focuses on youth ages 10 to 19.

Funding is distributed to states based on the proportion of low-income children in the population. States determine the curriculum and program requirements.

In federal fiscal year 2019, HHSC received \$6,959,247 in federal grant funding. HHSC received an additional \$116,624 in state general revenue, resulting in a \$7,075,871 budget.

Contracting Requirements

AEP delivers sexual risk avoidance education services by contracting with community organizations, such as faith-based organizations, youth-service programs, school districts, and health departments.

In addition to complying with Section 510 requirements, contracted organizations must agree to:

- Teach an HHSC-approved abstinence or sexual risk avoidance education curriculum;
- Provide students with the opportunity to participate in an eight-hour service learning project;
- Attend required HHSC trainings;
- Collaborate and partner with community organizations;
- Coordinate with community partners to provide age-appropriate referrals;
- Maintain and submit required forms and reports to HHSC; and
- Participate in QA reviews or site visits by HHSC staff.

Furthermore, these organizations must address each of the following topics.

- The holistic individual and societal benefits associated with personal responsibility, self-regulation, goal setting, healthy decision making, and a focus on the future.
- The advantage of refraining from non-marital sexual activity to improve the future prospects and physical and emotional health of youth.
- The increased likelihood of avoiding poverty when youth attain self-sufficiency and emotional maturity before engaging in sexual activity.
- The foundational components of healthy relationships and their impact on the formation of healthy marriages and safe and stable families.
- How other youth risk behaviors, such as drug and alcohol usage, increase the risk for teen sex.
- How to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent, teen sex remains a youth risk behavior.

3. Awarded Contracts

Federal Fiscal Year 2019

For federal fiscal year 2019, HHSC awarded the following contractors a one-year renewal.

1. Boys and Girls Club of Edinburg
2. Boys and Girls Club of McAllen
3. Children and Parents Social Services (CAPSS)
4. Communities In Schools (CIS) of Coastal Bend
5. Excellent Teen Choice
6. FaithWorks!, Inc.
7. Healing the Family, Inc.
8. Henderson County Help Center
9. Heritage Youth and Family Services of Texas
10. Juvenile Outreach and Vocational/Educational Network (JOVEN)
11. Real Leadership Obedience Victory and Excellence (Real L.O.V.E.)
12. Skillful Living Center, Inc.
13. Succeeding at Work
14. The Source for Women
15. Tomorrow's Children (TC)

Federal Fiscal Year 2020

In July 2019, HHSC released a request for application (RFA) procurement² for federal fiscal year 2020 to fund abstinence education programs from October 1, 2019 to September 30, 2020, and awarded one-year contracts with two, two-year renewal options contingent upon the continued availability of funding to the following contractors.

1. Austin Lifecare
2. Boys and Girls Clubs of Edinburg Rio Grande Valley, Inc.
3. Boys and Girls Club of McAllen, Inc.
4. CIS of the Coastal Bend
5. City of Houston

²In a Request for Application (RFA), HHSC enlists contractors under a method that is open to all entities who meet qualifications established by HHSC. The RFA process is conducted in an open and fair manner that reasonably provides interested, qualified entities equal opportunity to obtain a contract with HHSC.

6. Excellent Teen Choice, Inc.
7. Faith Always Inspires True Healing Works, Incorporated
8. Future Leaders Outreach Network
9. The Henderson County Help Center Inc.
10. Heritage Youth and Family Services of Texas
11. JOVEN
12. Real L.O.V.E
13. Skillful Living Center, Inc.
14. Succeeding at Work
15. The Texas International Institute of Health Professions
16. The University of Texas Health Science Center at San Antonio

4. Contractor Compliance

To ensure contractor compliance with AEP standards, contractors are required to maintain QA monitoring tools that HHSC staff review during monitoring visits.

Each tool assesses compliance with the requirements of Section 510(b) of the Social Security Act, as well as the quality of student instruction. Contracted organizations evaluate their instructors and submit findings to HHSC. To ensure compliance with state and federal requirements, HHSC conducts periodic QA reviews based on risk assessments.

Each contractor must complete the following QA monitoring documents:

- **Curriculum Implementation Plan** - This must be submitted for every program implementation site prior to implementation. Contractors may submit additional plans for sites added after the original submission and should submit any updates to plans as applicable.
- **Service Learning Projects** - The template provides a detailed description of each service learning project the students conducted.
- **Curriculum Logs** - These must be completed to ensure contractors meet standards set by the curriculum developer to maximize impact on student behavior.
- **Participant Completion and Participation Logs** - These must be completed and shared with HHSC staff during monitoring visits and upon request. The logs track youth and parent participation in the program through sign-in sheets.
- **Program Observation Form** - This must be completed by program coordinators and HHSC staff while observing classroom instruction to ensure instructors are addressing the Section 510 requirements, maintaining curriculum standards, and using appropriate classroom management.

During QA reviews and monitoring visits, HHSC staff review the completed monitoring documents and use the following tools to ensure contractor compliance:

- **Administration Review Tool** - This is used to monitor overall program and contractual compliance. The tool helps HHSC staff ensure all necessary documentation is maintained and assesses whether contractors are properly trained and correctly implementing their approved curriculum.
- **Program Observation Form** - This is used to observe classroom instruction to ensure instructors address the required federal components, maintain curriculum standards, and use appropriate classroom management.

Compliance Findings

In federal fiscal year 2019, HHSC conducted risk assessments on all AEP contractors. Based on risk assessments and pre-scheduled curriculums, AEP staff conducted programmatic site visits at The Source for Women, CIS of the Coastal Bend, Excellent Teen Choice, and Boys and Girls Club of Edinburg.

TC and CAPSS received desk reviews because all curricula had been completed for the year.

At each site visit, HHSC conducted an administrative review and curricula observation. The desk reviews consisted of administrative evaluations of QA monitoring and other related documents.

- HHSC selected The Source For Women (TSFW) for a programmatic site visit in March 2019. The on-site review covered the contract period of October 1, 2018 through March 31, 2019. During the review, HHSC staff identified findings related to TSFW not being able to validate the number of youths who participated in the program, no evidence of parental consents, not fulfilling its projected youth counts for the reporting period reviewed, and failure to provide documented program observations. HHSC provided the contractor technical guidance prior to leaving the facility and provided a final report to the contractor with a corrective action plan to be submitted within 30 days of the report. In response to the corrective action plan, the contractor was only able to provide evidence of missing observation forms within the 30-day period. The contractor did not reapply to the RFA for fiscal year 2020.
- HHSC selected CIS of the Coastal Bend for a programmatic site visit in April 2019 and conducted an on-site review for the contract period of October 1, 2018 through March 31, 2019. HHSC found CIS complied with all federally required programmatic components and performed a curriculum observation on the instructor during the site visit. The instructor's presentation was delivered with a high degree of intervention without compromising the core content essential for program effectiveness, and the instructor kept the students engaged with the chosen curriculum. HHSC found minor issues with the Curricula Tracking Logs and provided technical assistance. No further issues were identified in this review.
- HHSC selected TC for a desk review in May 2019 for the contract period October 1, 2018 through March 31, 2019. The contractor failed to submit required QA monitoring documents needed to complete the review by the requested deadline. The contractor was also non-responsive to numerous attempts made by HHSC staff to the Executive Director and Program Director for requested documentation. TC staff continued to be non-responsive and

did not apply to the RFA for additional funding in fiscal year 2020. HHSC staff cancelled the monitoring review. TC contract expired and will be closed out in SCOR. AEP staff will provide a final report to the Texas Comptroller of Public Accounts Vendor Performance Tracking System to report deficiencies encountered with the contractor. HHSC audits identified disallowed costs which TC has since repaid.

- HHSC selected Excellent Teen Choice for a programmatic site visit in July 2019 and found the contractor in compliance with all federally required programmatic components. HHSC staff had minimal questions on monitoring documentation for which the contractor was able to supply answers. The documentation reviewed on site, which included the observation of the curriculum, met all standards. All findings were minor; HHSC staff discussed and provided on-site technical assistance to assure compliance is maintained in the future, and no further action was requested. HHSC issued a final report noting the minor findings corrected on site.
- HHSC selected Boys and Girls Club of Edinburg for a programmatic site visit in July 2019 and found the contractor in compliance with all federally required programmatic components. QA monitoring documents were provided on-site with minor discrepancies. HHSC staff had minimal questions on this documentation for which the contractor was able to supply acceptable responses. QA monitoring documentation reviewed on site met all standards as did the lesson HHSC staff observed. HHSC found minor errors in the QA monitoring documents and discussed these further with the contractor during the exit interview after providing technical assistance to assure compliance is maintained in the future. No further corrective action was warranted. HHSC issued a final report noting the minor findings corrected on site.
- HHSC selected CAPSS for a desk review in August 2019. CAPSS submitted documentation only partially meeting QA requirements. The contractor's primary contact for CAPSS had advised HHSC staff that the business is now permanently closed, however, she would make her best effort to send any additional documentation required. HHSC never received the additional requested documentation. Due to the closure and non-responsiveness of staff following up on missing monitoring documents, HHSC staff cancelled the monitoring review and will be closing out the contract in SCOR and provide a final report to the Texas Comptroller of Public Accounts Vendor Performance Tracking System to report deficiencies encountered with the contractor. HHSC audits also identified disallowed costs which CAPSS has since repaid. CAPSS did not apply to the RFA to receive funding and continue services for fiscal year 2020.

- HHSC also selected Healing the Family for a desk review and has not fully completed the review to date. Additional details on any findings will be included in the fiscal year 2020 annual report.

5. Conclusion

HHSC will continue to engage with stakeholders, evaluate contractor performance, and seek to ensure continual improvements in program delivery. In addition, HHSC staff will continue to perform QA reviews and site visits to ensure contractor compliance with the components of Section 510(b) of the Social Security Act and other program requirements. Other than providing monitoring reviews based on risk, protocols have been established to identify contractors who may require site visits and additional monitoring that are not on the monitoring schedule for fiscal year 2020.

List of Acronyms

Acronym	Full Name
ACF	Administration for Children and Families
AEP	Abstinence Education Program
CAPSS	Children and Parents Social Services
CIS	Communities In Schools
HHSC	Health and Human Services Commission
JOVEN	Juvenile Outreach and Vocational/Educational Network
QA	Quality Assurance
Real L.O.V.E.	Real Leadership Obedience Victory and Excellence
RFA	Request for Applications
SRAEP	Sexual Risk Avoidance Education Program
TC	Tomorrow's Children
TFSW	The Source For Women
U.S.C.	United States Code