



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)**

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Executive Summary

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)), requires HHSC to submit a report containing Abstinence Education Program (AEP) contractor compliance issues related to components of §510(b)(2) of the Social Security Act (42 U.S.C §710(b)).

HHSC administers the AEP program which is funded through state general revenue and a federal Sexual Risk Avoidance Education (SRAE) grant award from the U.S. Department of Health and Human Services, Administration on Children and Families (ACF). The purpose of these funds is to provide sexual risk avoidance education services to reduce the need for future family planning services for non-married minors in communities with high teen pregnancy rates. Additionally, these funds are used to target specific populations, including culturally underrepresented youth populations, primarily those identifying as Hispanic, African-American, or Native American, youth in or aging out of foster care or adjudication systems, youth who have been previously trafficked, youth who have run away, youth experiencing homelessness, and other vulnerable youth populations.

In fiscal year 2020, AEP contracted with 15 eligible community organizations, including faith-based organizations, youth-service programs, school districts, and health departments. Contracted organizations must meet requirements established at the federal and state levels and participate in quality assurance (QA) reviews and monitoring visits to ensure ongoing compliance.

AEP conducted risk assessments for all federal fiscal year 2020 contractors awarded a contract for the term October 1, 2019 through September 30, 2020. Based on the risk assessment scores and other monitoring plan criteria, AEP identified four contractors to be monitored. 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 of each year, to the Office of the Governor and the Legislative Budget Board. This report details contractor compliance for federal fiscal year 2020.

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

Specifically, §510(b)(2) of the Social Security Act 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.

2. Background

AEP awards state general revenue and ACF grant funds to contracted community organizations including faith-based organizations, youth-service programs, school districts, and health departments to provide 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, when 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 SRAE Grant Program is administered through ACF and authorized by §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 contract requirements.

In federal fiscal year 2020, HHSC received \$7,466,587 to administer the Abstinence Education Program, which included \$6,959,247 in federal grant funding and \$507,340 in state general revenue to support direct services and administrative expenses.

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 §510(b)(2) of the Social Security Act (42 U.S.C. §710(b)), contracted organizations must:

- 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 and site visits by HHSC staff.

Furthermore, these organizations must address each of the following topics in compliance with §510(b)(2) of the Social Security Act (42 U.S.C. §710(b)):

- 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 nonmarital sexual activity in order 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 2020

In federal fiscal year 2019, HHSC released a Request for Applications (RFA) to solicit sexual risk avoidance education services for October 1, 2019 to September 30, 2020. The contracts awarded under the RFA have two, two-year renewal options contingent upon the continued availability of funding.

AEP awarded contracts to the following organizations:

1. Austin LifeCare
2. Boys and Girls Club of Edinburg Rio Grande Valley, Inc.
3. Boys and Girls Club of McAllen, Inc.
4. City of Houston
5. Communities in Schools of Coastal Bend
6. Excellent Teen Choice
7. Faith Always Inspires True Healing Works, Inc. (FaithWorks!, Inc)
8. Future Leaders Outreach Network (FLON)
9. The Henderson County Help Center Inc.
10. Heritage Youth and Family Services of Texas
11. Juvenile Outreach and Vocational/Educational Network (JOVEN)
12. Real Leadership Obedience Victory and Excellence (Real L.O.V.E.)
13. Skillful Living Center, Inc.
14. Succeeding at Work
15. TX International Institute of Health Professionals (TIIHP)
16. University of Texas Health Science Center of San Antonio

Additionally, AEP awarded one contract to the University of Texas Health Science Center of Houston (UTHSCH) to provide evaluation services on SRAE pre-post performance surveys. In collaboration with AEP, UTHSCH collects participant pre-post performance surveys and conducts an analysis on the data to determine student outcomes related to sexual health (i.e. likelihood to delay sex, psychosocial determinants, and satisfaction of the program) to inform decisions related to quality improvements of the program.

4. Contractor Compliance

To ensure compliance with AEP standards, contractors must maintain internal program QA tools that are reviewed during HHSC AEP monitoring visits.

Tools provided by AEP assess compliance with the requirements of §510(b)(2) of the Social Security Act (42 U.S.C. §710(b)), as well as the quality of student instruction. AEP contractors evaluate their programs and instructors in accordance with standards set forth by AEP and submit all findings to HHSC. To ensure compliance with state and federal requirements, AEP conducts QA reviews in alignment with the annual monitoring plan.

Each contractor must complete and maintain the following QA tools:

- (a) **Curriculum Implementation Plan** – This plan 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.
- (b) **Service Learning Projects Template** – The template provides a detailed description of each service learning project conducted.
- (c) **Participant Completion and Participation Logs** – These logs track youth and parent participation in the program through sign-in sheets, as well as tracking statistical data requirements like ethnicity, gender, and age.
- (d) **Program Observation Form** – This form must be completed by the program’s coordinators throughout the year and HHSC staff while observing classroom instruction. The purpose is to ensure instructors are addressing, maintaining curriculum standards, and using appropriate classroom management.

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

- **Administration Review Tool** – This tool 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 accurately trained and correctly implementing their approved curriculum.

- **Program Observation Form** – This form 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 2020, HHSC conducted risk assessments on all AEP contractors. Based on risk assessment scores AEP identified the following contractors to be reviewed for fiscal 2020: FaithWorks! Inc., The Henderson County Help Center, Boys and Girls Club of McAllen, Inc., and TIIHP. The dates of the review were determined by AEP and the provider implementation plans, which outline the dates for all curriculum sessions.

The following desk review activities were scheduled for federal fiscal year 2020 and are pending final review of administrative evaluations of QA monitoring and program related documents and determination of findings. The COVID-19 pandemic impacted the monitoring review schedule for fiscal year 2020 due to social distancing protocols and temporary AEP provider office closures. The monitoring results for all pending and rescheduled federal fiscal year 2020 desk reviews will be included in the fiscal year 2021 AEP contractor compliance report.

- A desk review for FaithWorks! Inc. was scheduled for May 2020. FaithWorks! Inc. board of directors required the organization to maintain social distancing and close their facility temporarily due to the COVID-19 pandemic. Because of social distancing mandates, FaithWorks! Inc. staff were unable to access program related documentation required for the review. The desk review was resumed in September and Faithworks! Inc. provided the requested documentation by October 8, 2020. The final monitoring results will be included in the federal fiscal year 2021 AEP contractor compliance report.
- The Henderson County Help Center was also scheduled for a desk review in May 2020 for the period of October 1, 2019-March 31, 2020. During the review, HHSC identified preliminary findings related to late submission of contract deliverables, incorrect data recorded on curriculum logs, lack of SRAE certification for one staff person, incomplete informed consent files, and a missing background check for one staff person. AEP staff will finalize the report once training is complete and the contractor will have opportunity to provide a corrective action plan addressing the deficiencies.
- Boys and Girls Club of McAllen, Inc. was scheduled for a desk review in June 2020. The monitoring review was postponed and will be rescheduled for federal fiscal year 2021.

- TIIHP was also scheduled for a desk review in Summer 2020. The monitoring review was postponed and will be rescheduled for federal fiscal year 2021.

In fiscal year 2020, HHSC explored options for providing additional fiscal oversight of the program and will be implementing new fiscal reporting tools in fiscal year 2021 to further enhance routine monitoring of the program. HHSC also worked closely with AEP contractors to offer training and technical assistance in the following areas:

- Pre-post survey requirements
- Program reporting requirements
- Service Learning requirements
- Contract requirements
- Grants Technical Assistance Guide
- Code of Federal Regulations
- Family and Youth Services Bureau data portal
- Program Educators Certification
- Human Subjects and Privacy Protections for SRAE Programs
- Data Trends in Child Trafficking
- National Teen Pregnancy Prevention Month

5. Conclusion

AEP will continue to engage with stakeholders, evaluate contractor performance, and seek continual improvements in program delivery. All pending federal fiscal year 2020 compliance reviews will be completed in federal fiscal year 2021. Additionally, AEP staff will continue to perform QA reviews and on-site visits once HHSC travel has been reinstated to ensure contractor compliance with the components of §510(b)(2) of the Social Security Act (42 U.S.C. §710(b)) and other programmatic requirements. AEP will continue to provide technical assistance on programmatic and compliance requirements for all contractors in federal fiscal year 2021.

List of Acronyms

Acronym	Full Name
ACF	Administration for Children and Families
AEP	Abstinence Education Program
HHSC	Health and Human Services Commission
QA	Quality Assurance
RFA	Request for Applications
SRAE	Sexual Risk Avoidance Education
TIIHP	TX International Institute of Health Professionals
U.S.C.	United States Code
UTHSCH	The University of Texas Health Science Center at Houston