



Texas Abstinence Education Contractor Compliance Report

**As Required by
2022-23 General Appropriations Act,
Senate Bill 1, 87th Legislature, Regular
Session, 2021 (Article II, Health and
Human Services Commission [HHSC],
Rider 61)**

**Texas Health and Human Services
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Table of Contents

Executive Summary	1
Introduction.....	2
Background.....	3
Funding	3
Contracting Requirements.....	4
Awarded Contracts.....	5
Federal Fiscal Year 2021	5
Contractor Compliance.....	7
Compliance Findings	8
Conclusion	11
List of Acronyms	12

Executive Summary

The 2022-23 General Appropriations Act, (Senate Bill 1, 87th Legislature, Regular Session, 2021 (Article II, Health and Human Services Commission [HHSC], Rider 61)), 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 AEP 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.

Grant funds were awarded to contractors through Request for Application (RFA) solicitations. Contracts are awarded to eligible community organizations, including faith-based organizations, youth-service programs, school districts, and health departments.

AEP conducted risk assessments for all federal fiscal year 2021 contractors awarded a contract for the term October 1, 2020 through September 30, 2021. Based on the risk assessment scores and other monitoring plan criteria, AEP identified four contractors to be monitored in fiscal year 2021. The contractors' compliance reviews and findings are listed in section four of this report.

Introduction

Rider 61 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 completed compliance monitoring activities initiated in federal fiscal year 2020 and selected contractor compliance monitoring conducted in federal fiscal year 2021.

Rider 61 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)¹ 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.

¹ Required Components and additional topics located at: [\[USC02\] 42 USC 710: Sexual risk avoidance education \(house.gov\)](#)

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 61 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 2021, HHSC received \$6,784,115 in Title V State SRAE grant funding to administer AEP for the project period October 1, 2020 through September 30, 2022. In June 2021, AEP received a supplemental award of \$792,563 and on September 29, 2021, AEP received an additional supplemental grant award in the amount of \$293,196. The total amount of SRAE funding includes \$7,869,874 in federal funds and \$220,447 in state general revenue for a total of \$8,090,321 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 quality assurance (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 non-marital 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.

Awarded Contracts

Federal Fiscal Year 2021

In federal fiscal year 2021, AEP renewed contracts with 14 eligible community organizations, including faith-based organizations, youth-service programs, school districts, and health departments. One contractor, Boys and Girls Club of McAllen, opted out of the program and ended their contract as of September 30, 2021.

AEP also renewed one Interagency Agency Contract with the University of Texas Health Science Center at Houston. In collaboration with AEP, University of Texas Health Science Center at Houston collects participant pre-and post-performance surveys and conducts analysis of the data to determine student outcomes related to sexual health (i.e., likelihood of delaying sex, psychosocial determinants, and satisfaction of the program) to inform decisions related to quality improvements to the program.

In addition to the previous 14 renewed contracts, AEP solicited new contractors by initiating another RFA solicitation posted in January 2021. Two additional contractors were awarded contracts in May 2021 with two, two-year renewal options which are contingent upon the continued availability of funding.

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

AEP renewed contracts with the following organizations:

1. Austin LifeCare
2. Boys and Girls Club of Edinburg Rio Grande Valley, Inc.
3. City of Houston
4. Communities in Schools of Coastal Bend
5. Excellent Teen Choice
6. Faith Always Inspires True Healing Works, Inc. (FaithWorks!, Inc.)
7. Future Leaders Outreach Network
8. The Henderson County Help Center, Inc.

9. Heritage Community Services
10. Juvenile Outreach and Vocational/Educational Network
11. Real Leadership Obedience Victory and Excellence
12. Skillful Living Center, Inc.
13. The TX International Institute of Health Professionals
14. University of Texas Health Science Center of San Antonio

AEP awarded new contracts to the following organizations:

1. Christy's Safe Haven
2. Mercy Manor

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 and other program requirements. 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:

- **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.
- **Service Learning Projects Template** – The template provides a detailed description of each service learning project conducted.
- **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.
- **Program Observation Form** – This form must be completed by the program’s coordinators throughout the year and HHSC staff while observing classroom instruction. This form is used to observe classroom instruction to ensure instructors address the required federal components, maintain curriculum standards, and use appropriate classroom management.

Due to the COVID-19 pandemic, HHSC was not able to perform in-person monitoring visits but instead conducted desk reviews. AEP uses 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

The COVID-19 pandemic impacted the monitoring review schedule for fiscal year 2021 due to social distancing protocols, temporary AEP provider office closures, and schools transitioning to virtual learning platforms. The following desk review activities were scheduled for federal fiscal year 2020 and were in progress prior to the submission of the last contractor compliance report on December 1, 2020. The monitoring results for all pending and scheduled federal fiscal year 2021 desk reviews are listed below.

Finalized reviews from fiscal year 2020:

- FaithWorks! Inc. was originally scheduled for a desk review in fiscal year 2020. Due to the COVID-19 pandemic, the organization had to maintain social distancing and close their facility temporarily, so the monitoring review was delayed. The desk review was resumed in February 2021. During the review, HHSC identified findings related to incomplete program forms, late submission of contract deliverables, discrepancies in reported client counts, and instances where educators were not certified in SRAE. A corrective action plan (CAP) was requested and received by the program. HHSC AEP approved the CAP and will conduct follow-up reviews to assure compliance with the approved CAP.
- The Henderson County Help Center was scheduled for a desk review in fiscal year 2020, which was completed in fiscal year 2021. HHSC identified preliminary findings related to late submission of contract deliverables, discrepancies in reported client counts, and instances where informed consent was not tracked consistently. The Henderson County Help Center provided a management response and CAP for each finding. In response, AEP provided training and additional technical assistance and approved the CAP for each finding. Additionally, AEP will conduct follow-up reviews to assure compliance with the approved CAP.
- Boys and Girls Club of McAllen, Inc. was originally scheduled for a desk review in June 2020. The monitoring review was rescheduled to January 2021. The scheduled review was canceled after receiving notice of Boys and

Girls Club of McAllen's intent to terminate their contract for convenience in September 2021.

- The Texas International Institute of Health Professions was originally scheduled for a desk review in the summer of fiscal year 2020. The monitoring review was postponed and rescheduled for June 2021. HHSC conducted the monitoring review as scheduled and had no findings for the contractor.

Completed fiscal year 2021 reviews:

- A desk review of the City of Houston was initiated in April 2021. During the desk review, HHSC identified deficiencies in program forms with missing information, discrepancies in reported client counts, and missing SRAE certifications for educators. City of Houston's management response and CAP for each finding were reviewed and accepted by AEP. AEP will conduct additional training and technical assistance. Additionally, AEP will conduct follow-up reviews to assure compliance with the approved CAP.
- Austin LifeCare's desk review was initiated in June 2021. The initial findings identified deficiencies in program forms with missing information and a missing certification for one educator. Austin LifeCare's management response and CAP for each finding were reviewed and accepted by AEP. AEP will conduct additional training and technical assistance. Additionally, AEP will conduct follow-up reviews to ensure compliance with the approved CAP.

Initiated fiscal year 2021 reviews:

- A desk review for the Future Leaders Outreach Network was initiated in July 2021. An extension was granted as the COVID-19 pandemic affected key staff members responsible for providing the requested documentation to conduct the review. The desk review is in process, and the results will be reported in the fiscal year 2022 compliance report.
- A desk review for the University of Texas Health Science Center of San Antonio was initiated in September 2021. The desk review is in process, and the results will be reported in the fiscal year 2022 compliance report.

HHSC will conduct risk assessments on all AEP contractors during the first quarter of fiscal year 2022. Based on risk assessment scores, AEP will identify five to eight contractors to be reviewed for fiscal year 2022.

In fiscal year 2021, HHSC implemented new fiscal reporting tools to further enhance routine fiscal monitoring of the program. For fiscal year 2022, AEP has initiated revisions to program forms, which will assist contractors in providing accurate information and streamline program processes.

Additionally, HHSC continues to offer training and technical assistance on the following through monthly contractor meetings:

- Pre-and post-performance survey requirements
- Program reporting requirements
- Service Learning requirements
- Contract requirements
- Grants Technical Assistance Guide
- Code of Federal Regulations
- Family and Youth Services Bureau trainings and resources
- Program Educators Certification training
- Human Subjects and Privacy Protections for SRAE Programs

Conclusion

AEP will continue to engage with stakeholders, evaluate contractor performance, and seek continual improvements in program delivery. All pending federal fiscal year 2021 compliance reviews will be reported in the federal fiscal year 2022 report. Additionally, AEP staff will continue to perform QA reviews and monitoring 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 monthly technical assistance on programmatic and compliance requirements for all contractors in federal fiscal year 2022.

List of Acronyms

Acronym	Full Name
ACF	Administration for Children and Families
AEP	Abstinence Education Program
CAP	Corrective Action Plan
HHSC	Health and Human Services Commission
QA	Quality Assurance
RFA	Request for Applications
SRAE	Sexual Risk Avoidance Education
U.S.C	United States Code