



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, Rider 61)**

**Texas Health and Human Services
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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 detailing Abstinence Education Program (AEP) contractor compliance issues related to components of Section 510(b)(2) of the Social Security Act (42 United States Code (U.S.C.) Section 710(b)).

HHSC administers AEP, which is funded through state general revenue and a federal Sexual Risk Avoidance Education (SRAE) grant award from the United States Department of Health and Human Services, Administration for Children and Families. 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 are awarded to contractors through Request for Application solicitations. Contracts are awarded to eligible community organizations, including faith-based organizations, youth-service programs, school districts, and health departments.

In state fiscal year 2022, AEP conducted risk assessments for all active SRAE contractors for the term October 1, 2021, through September 30, 2022. Based on the risk assessment scores and other monitoring plan criteria, AEP identified seven contractors to be monitored in federal fiscal year 2022. The contractors' compliance reviews and findings are listed in the compliance finding section of this report.

Introduction

Rider 61 requires HHSC to submit a report on AEP contractor compliance 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 2021 and contractor compliance monitoring conducted in federal fiscal year 2022.

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 Section 510 (b)(2) of the Social Security Act (42 U.S.C. Section 710(b)).

Specifically, Section 510(b)(2) of the Social Security Act states that education on sexual risk avoidance pursuant to an allotment under this section shall:

1. 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 nonmarital sexual activity;
2. Be medically accurate and complete;
3. Be age-appropriate;
4. Be based on adolescent learning and developmental theories for the age group receiving the education; and
5. 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 Administration for Children and Families 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 the Administration for Children and Families and authorized by Section 510(b)(2) of the Social Security Act (42 U.S.C. Section 710(b)). Title V provides funding to states and territories for sexual risk avoidance education. The goals of the 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.

Title V 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, HHSC received a supplemental SRAE grant award of \$792,563 and on September 29, 2021, HHSC received another supplemental SRAE grant award in the amount of \$293,196. The total amount of 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 in state and federal fiscal year 2022.

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(b)(2) of the Social Security Act (42 U.S.C. Section 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 Section 510(b)(3) of the Social Security Act (42 U.S.C. Section 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.

Awarded Contracts

Federal Fiscal Year 2022

In federal fiscal year 2022, AEP renewed contracts with 16 eligible community organizations, including faith-based organizations, youth-service programs, school districts, and health departments.

AEP also renewed one Interagency Contract with The University of Texas Health Science Center at Houston. In collaboration with AEP, The 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 with the program). This is to inform decisions related to quality improvements to the program.

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 the Coastal Bend
5. Christy's Safe Haven
6. Excellent Teen Choice
7. Faith Always Inspires True Healing Works, Inc. (FaithWorks!, Inc.)
8. Future Leaders Outreach Network (FLON)
9. Heritage Community Services
10. Juvenile Outreach and Vocational/Educational Network
11. Mercy Manor
12. Real Leadership Obedience Victory and Excellence

13.Skillful Living Center, Inc.

14.The Henderson County Help Center, Inc.

15.The Texas International Institute of Health Professions

16.University of Texas Health Science Center of San Antonio (UTHSCSA)

Contractor Compliance

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

AEP utilizes QA tools to assess contractor compliance in accordance with the requirements of Section 510(b)(2) of the Social Security Act (42 U.S.C. Section 710(b)), as well as the quality of student instruction and other program requirements. AEP contractors evaluate their programs and instructors with standards set forth by AEP and submit all findings to HHSC. To ensure compliance with state and federal requirements, AEP conducts monitoring reviews in accordance 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 documents program coordinators' and HHSC's observations of classroom instruction to ensure instructors address the required federal components, maintain curriculum standards, and use appropriate classroom management.

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

Each state fiscal year, AEP develops a monitoring plan based on risk assessment scores and other monitoring plan criteria. For state fiscal year 2022, seven contractors were identified for monitoring reviews. Additionally, AEP completed two monitoring reviews that were originally initiated in state fiscal year 2021. Results from these reviews were not available in time for the December 2021 report publication and are therefore listed below.

Monitoring reviews initiated in state fiscal year 2021:

- During a desk review of FLON, AEP identified a deficiency in the number of youths who completed service-learning activities. Due to these activities taking place during school hours and academic year changes, students were not able to complete the required eight hours of service-learning activities. FLON provided a corrective action plan to sufficiently address the finding, and successfully increased the service learning completion rate from 47 percent to 91 percent.
- During the desk review of the UTHSCSA, AEP identified discrepancies in recorded information required on participation logs and semi-annual reported client counts. UTHSCSA provided a corrective action plan to sufficiently address the finding. Follow--up reviews will take place in federal fiscal year 2023 to ensure UTHSCSA is compliant with the identified discrepancies.

Monitoring reviews initiated and completed in state fiscal year 2022:

- A monitoring visit was conducted in February 2022 for Real Leadership Obedience Victory and Excellence. AEP identified discrepancies in program forms not filled out completely and billing discrepancies resulting in \$1,631.18 in disallowed costs. Real Leadership Obedience Victory and Excellence provided a corrective action plan to sufficiently address the findings. AEP will perform monitoring on all financial documents during the period of October 2022 through April 2023. A follow--up review will be conducted in April 2023 to determine if the contractor has successfully corrected the deficiencies.
- A Boys & Girls Clubs of Edinburg, Inc. monitoring visit was conducted in February 2022. AEP did not identify any discrepancies.
- A Juvenile Outreach and Vocational/Educational Network monitoring visit was conducted in April 2022. AEP did not identify any discrepancies.

- A Communities in Schools of the Coastal Bend monitoring visit was conducted in June 2022. AEP did not identify any discrepancies.
- A Skillful Living Center, Inc.'s monitoring visit was conducted in July 2022. AEP did not identify any discrepancies.

Monitoring reviews initiated in state fiscal year 2022:

- Christy's Safe Haven's and Mercy Manor's scheduled July 2022 monitoring site visits were delayed due to COVID-19 outbreaks. As a precautionary measure, desk reviews were rescheduled to August 2022. The final monitoring results will be included in the Texas Abstinence Education Contractor Compliance Report for federal fiscal year 2023.

AEP will conduct risk assessments on all AEP contractors during the first quarter of state fiscal year 2023. The state fiscal year 2023 monitoring plan will be determined using risk assessment scores and other monitoring plan criteria.

In addition to oversight and compliance monitoring, AEP provides a variety of training and technical assistance to contractors. In federal fiscal year 2022, AEP conducted monthly contractor meetings and one-on-one technical assistance training sessions with individual contractors on the following topics:

- Program reporting requirements;
- Service-learning requirements;
- Contract requirements;
- Code of Federal Regulations;
- Administration for Children and Families trainings and resources; and
- Program Educators Certification training.

Conclusion

AEP will continue to perform QA reviews and monitoring to ensure contractor compliance in accordance with Section 510(b)(2) of the Social Security Act (42 U.S.C. Section 710(b)) and other program requirements. Additionally, the two pending federal fiscal year 2022 compliance reviews will be reported in the Texas Abstinence Education Contractor Compliance Report for federal fiscal year 2023. AEP is committed to continuous improvement and will continue to engage stakeholders and contractors in efforts to improve service delivery.

List of Acronyms

Acronym	Full Name
AEP	Abstinence Education Program
HHSC	Health and Human Services Commission
FLON	Future Leaders Outreach Network
QA	Quality Assurance
SRAE	Sexual Risk Avoidance Education
U.S.C.	United States Code
UTHSCSA	University of Texas Health Science Center of San Antonio