

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 25, 2019

Date

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 11 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

[Signature]
TAYLOR

[Signature]
Dennis Bonnen

[Signature]
CAMPBELL

[Signature]
M. B.

[Signature]
NELSON

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WILL

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LUCIO

[Signature]
DUNCAN

[Signature]
WATSON

[Signature]
LEWIS

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061 to read as follows:

Sec. 7.061. FACILITIES STANDARDS. (a) In this section, "instructional facility" has the meaning assigned by Section 46.001.

(b) The commissioner shall adopt or amend rules as necessary to ensure that building standards for instructional facilities and other school district and open-enrollment charter school facilities provide a secure and safe environment. In adopting or amending rules under this section, the commissioner shall include the use of best practices for:

(1) the design and construction of new facilities; and
(2) the improvement, renovation, and retrofitting of existing facilities.

(c) Not later than September 1 of each even-numbered year, the commissioner shall review all rules adopted or amended under this section and amend the rules as necessary to ensure that building standards for school district and open-enrollment charter school facilities continue to provide a secure and safe

1 environment.

2 SECTION 2. Section 11.252(a), Education Code, is amended to
3 read as follows:

4 (a) Each school district shall have a district improvement
5 plan that is developed, evaluated, and revised annually, in
6 accordance with district policy, by the superintendent with the
7 assistance of the district-level committee established under
8 Section 11.251. The purpose of the district improvement plan is to
9 guide district and campus staff in the improvement of student
10 performance for all student groups in order to attain state
11 standards in respect to the achievement indicators adopted under
12 Section 39.053(c). The district improvement plan must include
13 provisions for:

14 (1) a comprehensive needs assessment addressing
15 district student performance on the achievement indicators, and
16 other appropriate measures of performance, that are disaggregated
17 by all student groups served by the district, including categories
18 of ethnicity, socioeconomic status, sex, and populations served by
19 special programs, including students in special education programs
20 under Subchapter A, Chapter 29;

21 (2) measurable district performance objectives for
22 all appropriate achievement indicators for all student
23 populations, including students in special education programs
24 under Subchapter A, Chapter 29, and other measures of student
25 performance that may be identified through the comprehensive needs
26 assessment;

27 (3) strategies for improvement of student performance

1 that include:

2 (A) instructional methods for addressing the
3 needs of student groups not achieving their full potential;

4 (B) methods for addressing the needs of students
5 for special programs, including:

6 (i) suicide prevention programs, in
7 accordance with Subchapter O-1, Chapter 161, Health and Safety
8 Code, which includes a parental or guardian notification procedure;

9 (ii) conflict resolution programs;

10 (iii) violence prevention programs; and

11 (iv) dyslexia treatment programs;

12 (C) dropout reduction;

13 (D) integration of technology in instructional
14 and administrative programs;

15 (E) discipline management;

16 (F) staff development for professional staff of
17 the district;

18 (G) career education to assist students in
19 developing the knowledge, skills, and competencies necessary for a
20 broad range of career opportunities; and

21 (H) accelerated education;

22 (4) strategies for providing to middle school, junior
23 high school, and high school students, those students' teachers and
24 school counselors, and those students' parents information about:

25 (A) higher education admissions and financial
26 aid opportunities;

27 (B) the TEXAS grant program and the Teach for

1 Texas grant program established under Chapter 56;

2 (C) the need for students to make informed
3 curriculum choices to be prepared for success beyond high school;
4 and

5 (D) sources of information on higher education
6 admissions and financial aid;

7 (5) resources needed to implement identified
8 strategies;

9 (6) staff responsible for ensuring the accomplishment
10 of each strategy;

11 (7) timelines for ongoing monitoring of the
12 implementation of each improvement strategy;

13 (8) formative evaluation criteria for determining
14 periodically whether strategies are resulting in intended
15 improvement of student performance; ~~and~~

16 (9) the policy under Section 38.0041 addressing sexual
17 abuse and other maltreatment of children; and

18 (10) the trauma-informed care policy required under
19 Section 38.036.

20 SECTION 3. Section 12.104(b), Education Code, as amended by
21 Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts
22 of the 85th Legislature, Regular Session, 2017, is reenacted and
23 amended to read as follows:

24 (b) An open-enrollment charter school is subject to:

25 (1) a provision of this title establishing a criminal
26 offense; and

27 (2) a prohibition, restriction, or requirement, as

1 applicable, imposed by this title or a rule adopted under this
2 title, relating to:

3 (A) the Public Education Information Management
4 System (PEIMS) to the extent necessary to monitor compliance with
5 this subchapter as determined by the commissioner;

6 (B) criminal history records under Subchapter C,
7 Chapter 22;

8 (C) reading instruments and accelerated reading
9 instruction programs under Section 28.006;

10 (D) accelerated instruction under Section
11 28.0211;

12 (E) high school graduation requirements under
13 Section 28.025;

14 (F) special education programs under Subchapter
15 A, Chapter 29;

16 (G) bilingual education under Subchapter B,
17 Chapter 29;

18 (H) prekindergarten programs under Subchapter E
19 or E-1, Chapter 29;

20 (I) extracurricular activities under Section
21 33.081;

22 (J) discipline management practices or behavior
23 management techniques under Section 37.0021;

24 (K) health and safety under Chapter 38;

25 (L) public school accountability under
26 Subchapters B, C, D, F, G, and J, Chapter 39, and Chapter 39A;

27 (M) the requirement under Section 21.006 to

1 report an educator's misconduct;

2 (N) intensive programs of instruction under
3 Section 28.0213;

4 (O) the right of a school employee to report a
5 crime, as provided by Section 37.148; ~~[and]~~

6 (P) bullying prevention policies and procedures
7 under Section 37.0832;

8 (Q) the right of a school under Section 37.0052
9 to place a student who has engaged in certain bullying behavior in a
10 disciplinary alternative education program or to expel the student;
11 ~~[and]~~

12 (R) the right under Section 37.0151 to report to
13 local law enforcement certain conduct constituting assault or
14 harassment;

15 (S) ~~(P)~~ a parent's right to information
16 regarding the provision of assistance for learning difficulties to
17 the parent's child as provided by Sections 26.004(b)(11) and
18 26.0081(c) and (d); and

19 (T) school safety requirements under Sections
20 37.108, 37.1081, 37.1082, 37.109, 37.113, 37.114, 37.115, 37.207,
21 and 37.2071.

22 SECTION 4. Sections 21.054(d) and (d-2), Education Code,
23 are amended to read as follows:

24 (d) Continuing education requirements for a classroom
25 teacher must provide that not more than 25 percent of the training
26 required every five years include instruction regarding:

27 (1) collecting and analyzing information that will

1 improve effectiveness in the classroom;

2 (2) recognizing early warning indicators that a
3 student may be at risk of dropping out of school;

4 (3) digital learning, digital teaching, and
5 integrating technology into classroom instruction;

6 (4) educating diverse student populations, including:

7 (A) students with disabilities, including mental
8 health disorders;

9 (B) students who are educationally
10 disadvantaged;

11 (C) students of limited English proficiency; and

12 (D) students at risk of dropping out of school;

13 ~~[and]~~

14 (5) understanding appropriate relationships,
15 boundaries, and communications between educators and students;

16 ~~and[-]~~

17 (6) ~~[(d-2) Continuing education requirements for a~~
18 ~~classroom teacher may include instruction regarding]~~ how grief and
19 trauma affect student learning and behavior and how evidence-based,
20 grief-informed, and trauma-informed strategies support the
21 academic success of students affected by grief and trauma.

22 (d-2) The instruction required under Subsection (d)(6)
23 must:

24 (1) comply with the training required by Section
25 38.036(c)(1); and

26 (2) be approved by the commissioner.

27 SECTION 5. Section 25.081(a), Education Code, is amended to

1 read as follows:

2 (a) Except as authorized under Subsection (b) of this
3 section, Section 25.0815, Section 25.084, or Section 29.0821, for
4 each school year each school district must operate for at least
5 75,600 minutes, including time allocated for instruction,
6 intermissions, and recesses for students.

7 SECTION 6. Subchapter C, Chapter 25, Education Code, is
8 amended by adding Section 25.0815 to read as follows:

9 Sec. 25.0815. OPERATION AND INSTRUCTIONAL TIME WAIVERS FOR
10 SCHOOL SAFETY TRAINING. (a) The commissioner shall provide a
11 waiver allowing for fewer minutes of operation and instructional
12 time than required under Section 25.081(a) for a school district
13 that requires each educator employed by the district to attend an
14 approved school safety training course.

15 (b) A waiver under this section:

16 (1) must allow sufficient time for the school
17 district's educators to attend the school safety training course;
18 and

19 (2) may not:

20 (A) result in an inadequate number of minutes of
21 instructional time for students; or

22 (B) reduce the number of minutes of operation and
23 instructional time by more than 420 minutes.

24 (c) To be approved under this section, a school safety
25 training course must apply to the Texas School Safety Center. The
26 Texas School Safety Center may approve a training course if the
27 course satisfies the training requirements as determined by the

1 center.

2 (d) The commissioner may adopt rules to implement this
3 section.

4 SECTION 7. Section 28.002, Education Code, is amended by
5 amending Subsection (a) and adding Subsection (z) to read as
6 follows:

7 (a) Each school district that offers kindergarten through
8 grade 12 shall offer, as a required curriculum:

9 (1) a foundation curriculum that includes:

10 (A) English language arts;

11 (B) mathematics;

12 (C) science; and

13 (D) social studies, consisting of Texas, United
14 States, and world history, government, economics, with emphasis on
15 the free enterprise system and its benefits, and geography; and

16 (2) an enrichment curriculum that includes:

17 (A) to the extent possible, languages other than
18 English;

19 (B) health, with emphasis on:

20 (i) physical health, including the
21 importance of proper nutrition and exercise;

22 (ii) mental health, including instruction
23 about mental health conditions, substance abuse, skills to manage
24 emotions, establishing and maintaining positive relationships, and
25 responsible decision-making; and

26 (iii) suicide prevention, including
27 recognizing suicide-related risk factors and warning signs;

- (C) physical education;
- (D) fine arts;
- (E) career and technology education;
- (F) technology applications;
- (G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
- (H) personal financial literacy.

(z) The State Board of Education by rule shall require each school district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying. In this subsection:

(1) "Cyberbullying" has the meaning assigned by Section 37.0832.

(2) "Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

SECTION 8. Section 28.004, Education Code, is amended by amending Subsection (c) and adding Subsection (o) to read as follows:

(c) The local school health advisory council's duties include recommending:

- (1) the number of hours of instruction to be provided in health education;
- (2) policies, procedures, strategies, and curriculum

1 appropriate for specific grade levels designed to prevent obesity,
2 cardiovascular disease, Type 2 diabetes, and mental health
3 concerns, including suicide, through coordination of:

4 (A) health education;
5 (B) physical education and physical activity;
6 (C) nutrition services;
7 (D) parental involvement;
8 (E) instruction to prevent the use of
9 e-cigarettes, as defined by Section 161.081, Health and Safety
10 Code, and tobacco;

11 (F) school health services;
12 (G) counseling and guidance services;
13 (H) a safe and healthy school environment; and
14 (I) school employee wellness;

15 (3) appropriate grade levels and methods of
16 instruction for human sexuality instruction;

17 (4) strategies for integrating the curriculum
18 components specified by Subdivision (2) with the following elements
19 in a coordinated school health program for the district:

20 (A) school health services;
21 (B) counseling and guidance services;
22 (C) a safe and healthy school environment; and
23 (D) school employee wellness; ~~and~~

24 (5) if feasible, joint use agreements or strategies
25 for collaboration between the school district and community
26 organizations or agencies; and

27 (6) strategies to increase parental awareness

1 regarding:

2 (A) risky behaviors and early warning signs of
3 suicide risks and behavioral health concerns, including mental
4 health disorders and substance use disorders; and

5 (B) available community programs and services
6 that address risky behaviors, suicide risks, and behavioral health
7 concerns.

8 (o) The local school health advisory council shall make
9 policy recommendations to the district to increase parental
10 awareness of suicide-related risk factors and warning signs and
11 available community suicide prevention services.

12 SECTION 9. Section 37.0812, Education Code, is amended to
13 read as follows:

14 Sec. 37.0812. TRAINING POLICY: SCHOOL DISTRICT PEACE
15 OFFICERS AND SCHOOL RESOURCE OFFICERS. A school district [~~with an~~
16 ~~enrollment of 30,000 or more students~~] that commissions a school
17 district peace officer or at which a school resource officer
18 provides law enforcement shall adopt a policy requiring the officer
19 to complete the education and training program required by Section
20 1701.263, Occupations Code.

21 SECTION 10. Section 37.108, Education Code, is amended by
22 amending Subsections (a), (b), and (c) and adding Subsections (b-1)
23 and (f) to read as follows:

24 (a) Each school district or public junior college district
25 shall adopt and implement a multihazard emergency operations plan
26 for use in the district's facilities. The plan must address
27 prevention, mitigation, preparedness, response, and recovery as

1 defined by the Texas School Safety Center in conjunction with the
2 governor's office of homeland security and the commissioner of
3 education or commissioner of higher education, as applicable [~~in~~
4 ~~conjunction with the governor's office of homeland security~~]. The
5 plan must provide for:

6 (1) [~~district employee~~] training in responding to an
7 emergency for district employees, including substitute teachers;

8 (2) measures to ensure district employees, including
9 substitute teachers, have classroom access to a telephone,
10 including a cellular telephone, or another electronic
11 communication device allowing for immediate contact with district
12 emergency services or emergency services agencies, law enforcement
13 agencies, health departments, and fire departments;

14 (3) measures to ensure district communications
15 technology and infrastructure are adequate to allow for
16 communication during an emergency;

17 (4) if the plan applies to a school district,
18 mandatory school drills and exercises, including drills required
19 under Section 37.114, to prepare district students and employees
20 for responding to an emergency;

21 (5) [~~43~~] measures to ensure coordination with the
22 Department of State Health Services and local emergency management
23 agencies, law enforcement, health departments, and fire
24 departments in the event of an emergency; and

25 (6) [~~44~~] the implementation of a safety and security
26 audit as required by Subsection (b).

27 (b) At least once every three years, each school district or

1 public junior college district shall conduct a safety and security
2 audit of the district's facilities. To the extent possible, a
3 district shall follow safety and security audit procedures
4 developed by the Texas School Safety Center or a person included in
5 the registry established by the Texas School Safety Center under
6 Section 37.2091 [~~comparable public or private entity~~].

7 (b-1) In a school district's safety and security audit
8 required under Subsection (b), the district must certify that the
9 district used the funds provided to the district through the school
10 safety allotment under Section 42.168 only for the purposes
11 provided by that section.

12 (c) A school district or public junior college district
13 shall report the results of the safety and security audit conducted
14 under Subsection (b) to the district's board of trustees and, in the
15 manner required by the Texas School Safety Center, to the Texas
16 School Safety Center. The report provided to the Texas School
17 Safety Center under this subsection must be signed by:

18 (1) for a school district, the district's board of
19 trustees and superintendent; or

20 (2) for a public junior college district, the
21 president of the junior college district.

22 (f) A school district shall include in its multihazard
23 emergency operations plan:

24 (1) a chain of command that designates the individual
25 responsible for making final decisions during a disaster or
26 emergency situation and identifies other individuals responsible
27 for making those decisions if the designated person is unavailable;

1 (2) provisions that address physical and
2 psychological safety for responding to a natural disaster, active
3 shooter, and any other dangerous scenario identified for purposes
4 of this section by the agency or the Texas School Safety Center;

5 (3) provisions for ensuring the safety of students in
6 portable buildings;

7 (4) provisions for ensuring that students and district
8 personnel with disabilities are provided equal access to safety
9 during a disaster or emergency situation;

10 (5) provisions for providing immediate notification
11 to parents, guardians, and other persons standing in parental
12 relation in circumstances involving a significant threat to the
13 health or safety of students, including identification of the
14 individual with responsibility for overseeing the notification;

15 (6) provisions for supporting the psychological
16 safety of students, district personnel, and the community during
17 the response and recovery phase following a disaster or emergency
18 situation that:

19 (A) are aligned with best practice-based
20 programs and research-based practices recommended under Section
21 161.325, Health and Safety Code;

22 (B) include strategies for ensuring any required
23 professional development training for suicide prevention and
24 grief-informed and trauma-informed care is provided to appropriate
25 school personnel;

26 (C) include training on integrating
27 psychological safety and suicide prevention strategies into the

district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and Texas School Safety Center for:

(i) members of the district's school safety and security committee under Section 37.109;

(ii) district school counselors and mental health professionals; and

(iii) educators and other district personnel as determined by the district;

(D) include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and

(E) implement trauma-informed policies;

(7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; and

(8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year.

SECTION 11. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082 to read as follows:

Sec. 37.1081. PUBLIC HEARING ON MULTHAZARD EMERGENCY OPERATIONS PLAN NONCOMPLIANCE. (a) If the board of trustees of a school district receives notice of noncompliance under Section 37.207(e) or 37.2071(g), the board shall hold a public hearing to

1 notify the public of:

2 (1) the district's failure to:

3 (A) submit or correct deficiencies in a
4 multihazard emergency operations plan; or

5 (B) report the results of a safety and security
6 audit to the Texas School Safety Center as required by law;

7 (2) the dates during which the district has not been in
8 compliance; and

9 (3) the names of each member of the board of trustees
10 and the superintendent serving in that capacity during the dates
11 the district was not in compliance.

12 (b) The school district shall provide the information
13 required under Subsection (a)(3) in writing to each person in
14 attendance at the hearing.

15 (c) The board shall give members of the public a reasonable
16 opportunity to appear before the board and to speak on the issue of
17 the district's failure to submit or correct deficiencies in a
18 multihazard emergency operations plan or report the results of a
19 safety and security audit during a hearing held under this section.

20 (d) A school district required to hold a public hearing
21 under Subsection (a) shall provide written confirmation to the
22 Texas School Safety Center that the district held the hearing.

23 Sec. 37.1082. MULTHAZARD EMERGENCY OPERATIONS PLAN
24 NONCOMPLIANCE; APPOINTMENT OF CONSERVATOR OR BOARD OF MANAGERS.

25 (a) If the agency receives notice from the Texas School Safety
26 Center of a school district's failure to submit a multihazard
27 emergency operations plan, the commissioner may appoint a

1 conservator for the district under Chapter 39A. The conservator
2 may order the district to adopt, implement, and submit a
3 multihazard emergency operations plan.

4 (b) If a district fails to comply with a conservator's order
5 to adopt, implement, and submit a multihazard emergency operations
6 plan within the time frame imposed by the commissioner, the
7 commissioner may appoint a board of managers under Chapter 39A to
8 oversee the operations of the district.

9 (c) The commissioner may adopt rules as necessary to
10 administer this section.

11 SECTION 12. Section 37.109, Education Code, is amended by
12 adding Subsections (a-1), (c), and (d) and amending Subsection (b)
13 to read as follows:

14 (a-1) The committee, to the greatest extent practicable,
15 must include:

16 (1) one or more representatives of an office of
17 emergency management of a county or city in which the district is
18 located;

19 (2) one or more representatives of the local police
20 department or sheriff's office;

21 (3) one or more representatives of the district's
22 police department, if applicable;

23 (4) the president of the district's board of trustees;

24 (5) a member of the district's board of trustees other
25 than the president;

26 (6) the district's superintendent;

27 (7) one or more designees of the district's

1 superintendent, one of whom must be a classroom teacher in the
2 district;

3 (8) if the district partners with an open-enrollment
4 charter school to provide instruction to students, a member of the
5 open-enrollment charter school's governing body or a designee of
6 the governing body; and

7 (9) two parents or guardians of students enrolled in
8 the district.

9 (b) The committee shall:

10 (1) participate on behalf of the district in
11 developing and implementing emergency plans consistent with the
12 district multihazard emergency operations plan required by Section
13 37.108(a) to ensure that the plans reflect specific campus,
14 facility, or support services needs;

15 (2) periodically provide recommendations to the
16 district's board of trustees and district administrators regarding
17 updating the district multihazard emergency operations plan
18 required by Section 37.108(a) in accordance with best practices
19 identified by the agency, the Texas School Safety Center, or a
20 person included in the registry established by the Texas School
21 Safety Center under Section 37.2091;

22 (3) provide the district with any campus, facility, or
23 support services information required in connection with a safety
24 and security audit required by Section 37.108(b), a safety and
25 security audit report required by Section 37.108(c), or another
26 report required to be submitted by the district to the Texas School
27 Safety Center; ~~and~~

1 (4) [~~43~~] review each report required to be submitted
2 by the district to the Texas School Safety Center to ensure that the
3 report contains accurate and complete information regarding each
4 campus, facility, or support service in accordance with criteria
5 established by the center; and

6 (5) consult with local law enforcement agencies on
7 methods to increase law enforcement presence near district
8 campuses.

9 (c) Except as otherwise provided by this subsection, the
10 committee shall meet at least once during each academic semester
11 and at least once during the summer. A committee established by a
12 school district that operates schools on a year-round system or in
13 accordance with another alternative schedule shall meet at least
14 three times during each calendar year, with an interval of at least
15 two months between each meeting.

16 (d) The committee is subject to Chapter 551, Government
17 Code, and may meet in executive session as provided by that chapter.
18 Notice of a committee meeting must be posted in the same manner as
19 notice of a meeting of the district's board of trustees.

20 SECTION 13. Subchapter D, Chapter 37, Education Code, is
21 amended by adding Sections 37.113, 37.114, and 37.115 to read as
22 follows:

23 Sec. 37.113. NOTIFICATION REGARDING BOMB THREAT OR
24 TERRORISTIC THREAT. A school district that receives a bomb threat
25 or terroristic threat relating to a campus or other district
26 facility at which students are present shall provide notification
27 of the threat as soon as possible to the parent or guardian of or

1 other person standing in parental relation to each student who is
2 assigned to the campus or who regularly uses the facility, as
3 applicable.

4 Sec. 37.114. EMERGENCY EVACUATIONS; MANDATORY SCHOOL
5 DRILLS. The commissioner, in consultation with the Texas School
6 Safety Center and the state fire marshal, shall adopt rules:

7 (1) providing procedures for evacuating and securing
8 school property during an emergency; and

9 (2) designating the number of mandatory school drills
10 to be conducted each semester of the school year, not to exceed
11 eight drills, including designating the number of:

12 (A) evacuation fire exit drills; and

13 (B) lockdown, lockout, shelter-in-place, and
14 evacuation drills.

15 Sec. 37.115. THREAT ASSESSMENT AND SAFE AND SUPPORTIVE
16 SCHOOL PROGRAM AND TEAM. (a) In this section:

17 (1) "Harmful, threatening, or violent behavior"
18 includes behaviors, such as verbal threats, threats of self harm,
19 bullying, cyberbullying, fighting, the use or possession of a
20 weapon, sexual assault, sexual harassment, dating violence,
21 stalking, or assault, by a student that could result in:

22 (A) specific interventions, including mental
23 health or behavioral supports;

24 (B) in-school suspension;

25 (C) out-of-school suspension; or

26 (D) the student's expulsion or removal to a
27 disciplinary alternative education program or a juvenile justice

1 alternative education program.

2 (2) "Team" means a threat assessment and safe and
3 supportive school team established by the board of trustees of a
4 school district under this section.

5 (b) The agency, in coordination with the Texas School Safety
6 Center, shall adopt rules to establish a safe and supportive school
7 program. The rules shall incorporate research-based best practices
8 for school safety, including providing for:

9 (1) physical and psychological safety;

10 (2) a multiphase and multihazard approach to
11 prevention, mitigation, preparedness, response, and recovery in a
12 crisis situation;

13 (3) a systemic and coordinated multitiered support
14 system that addresses school climate, the social and emotional
15 domain, and behavioral and mental health; and

16 (4) multidisciplinary and multiagency collaboration
17 to assess risks and threats in schools and provide appropriate
18 interventions, including rules for the establishment and operation
19 of teams.

20 (c) The board of trustees of each school district shall
21 establish a threat assessment and safe and supportive school team
22 to serve at each campus of the district and shall adopt policies and
23 procedures for the teams. The team is responsible for developing
24 and implementing the safe and supportive school program under
25 Subsection (b) at the district campus served by the team. The
26 policies and procedures adopted under this section must:

27 (1) be consistent with the model policies and

1 procedures developed by the Texas School Safety Center;

2 (2) require each team to complete training provided by
3 the Texas School Safety Center or a regional education service
4 center regarding evidence-based threat assessment programs; and

5 (3) require each team established under this section
6 to report the information required under Subsection (k) regarding
7 the team's activities to the agency.

8 (d) The superintendent of the district shall ensure that the
9 members appointed to each team have expertise in counseling,
10 behavior management, mental health and substance use, classroom
11 instruction, special education, school administration, school
12 safety and security, emergency management, and law enforcement. A
13 team may serve more than one campus of a school district, provided
14 that each district campus is assigned a team.

15 (e) The superintendent of a school district may establish a
16 committee, or assign to an existing committee established by the
17 district, the duty to oversee the operations of teams established
18 for the district. A committee with oversight responsibility under
19 this subsection must include members with expertise in human
20 resources, education, special education, counseling, behavior
21 management, school administration, mental health and substance
22 use, school safety and security, emergency management, and law
23 enforcement.

24 (f) Each team shall:

25 (1) conduct a threat assessment that includes:

26 (A) assessing and reporting individuals who make
27 threats of violence or exhibit harmful, threatening, or violent

behavior in accordance with the policies and procedures adopted under Subsection (c); and

(B) gathering and analyzing data to determine the level of risk and appropriate intervention, including:

(i) referring a student for mental health assessment; and

(ii) implementing an escalation procedure, if appropriate based on the team's assessment, in accordance with district policy;

(2) provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

(3) support the district in implementing the district's multihazard emergency operations plan.

(g) A team may not provide a mental health care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or person standing in parental relation to the student before providing the mental health care service. The consent required by this subsection must be submitted on a form developed by the school district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

(h) On a determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent.

1 If the individual is a student, the superintendent shall
2 immediately attempt to inform the parent or person standing in
3 parental relation to the student. The requirements of this
4 subsection do not prevent an employee of the school from acting
5 immediately to prevent an imminent threat or respond to an
6 emergency.

7 (i) A team identifying a student at risk of suicide shall
8 act in accordance with the district's suicide prevention program.
9 If the student at risk of suicide also makes a threat of violence to
10 others, the team shall conduct a threat assessment in addition to
11 actions taken in accordance with the district's suicide prevention
12 program.

13 (j) A team identifying a student using or possessing
14 tobacco, drugs, or alcohol shall act in accordance with district
15 policies and procedures related to substance use prevention and
16 intervention.

17 (k) A team must report to the agency in accordance with
18 guidelines developed by the agency the following information
19 regarding the team's activities and other information for each
20 school district campus the team serves:

21 (1) the occupation of each person appointed to the
22 team;

23 (2) the number of threats and a description of the type
24 of the threats reported to the team;

25 (3) the outcome of each assessment made by the team,
26 including:

27 (A) any disciplinary action taken, including a

1 change in school placement;
2 (B) any action taken by law enforcement; or
3 (C) a referral to or change in counseling, mental
4 health, special education, or other services;
5 (4) the total number, disaggregated by student gender,
6 race, and status as receiving special education services, being at
7 risk of dropping out of school, being in foster care, experiencing
8 homelessness, being a dependent of military personnel, being
9 pregnant or a parent, having limited English proficiency, or being
10 a migratory child, of, in connection with an assessment or reported
11 threat by the team:
12 (A) citations issued for Class C misdemeanor
13 offenses;
14 (B) arrests;
15 (C) incidents of uses of restraint;
16 (D) changes in school placement, including
17 placement in a juvenile justice alternative education program or
18 disciplinary alternative education program;
19 (E) referrals to or changes in counseling, mental
20 health, special education, or other services;
21 (F) placements in in-school suspension or
22 out-of-school suspension and incidents of expulsion;
23 (G) unexcused absences of 15 or more days during
24 the school year; and
25 (H) referrals to juvenile court for truancy; and
26 (5) the number and percentage of school personnel
27 trained in:

1 (A) a best-practices program or research-based
2 practice under Section 161.325, Health and Safety Code, including
3 the number and percentage of school personnel trained in:

4 (i) suicide prevention; or

5 (ii) grief and trauma-informed practices;

6 (B) mental health or psychological first aid for
7 schools;

8 (C) training relating to the safe and supportive
9 school program established under Subsection (b); or

10 (D) any other program relating to safety
11 identified by the commissioner.

12 (1) The commissioner may adopt rules to implement this
13 section.

14 SECTION 14. Section 37.207, Education Code, is amended by
15 adding Subsections (c), (d), and (e) to read as follows:

16 (c) In addition to a review of a district's multihazard
17 emergency operations plan under Section 37.2071, the center may
18 require a district to submit its plan for immediate review if the
19 district's audit results indicate that the district is not
20 complying with applicable standards.

21 (d) If a district fails to report the results of its audit as
22 required under Subsection (b), the center shall provide the
23 district with written notice that the district has failed to report
24 its audit results and must immediately report the results to the
25 center.

26 (e) If six months after the date of the initial notification
27 required by Subsection (d) the district has still not reported the

1 results of its audit to the center, the center shall notify the
2 agency and the district of the district's requirement to conduct a
3 public hearing under Section 37.1081. This subsection applies only
4 to a school district.

5 SECTION 15. Subchapter G, Chapter 37, Education Code, is
6 amended by adding Section 37.2071 to read as follows:

7 Sec. 37.2071. DISTRICT MULTIHAZARD EMERGENCY OPERATIONS
8 PLAN REVIEW AND VERIFICATION. (a) The center shall establish a
9 random or need-based cycle for the center's review and verification
10 of school district and public junior college district multihazard
11 emergency operations plans adopted under Section 37.108. The cycle
12 must provide for each district's plan to be reviewed at regular
13 intervals as determined by the center.

14 (b) A school district or public junior college district
15 shall submit its multihazard emergency operations plan to the
16 center on request of the center and in accordance with the center's
17 review cycle developed under Subsection (a).

18 (c) The center shall review each district's multihazard
19 emergency operations plan submitted under Subsection (b) and:

20 (1) verify the plan meets the requirements of Section
21 37.108; or

22 (2) provide the district with written notice:

23 (A) describing the plan's deficiencies; and

24 (B) stating that the district must correct the
25 deficiencies in its plan and resubmit the revised plan to the
26 center.

27 (d) If a district fails to submit its multihazard emergency

1 operations plan to the center for review, the center shall provide
2 the district with written notice stating that the district:

3 (1) has failed to submit a plan; and

4 (2) must submit a plan to the center for review and
5 verification.

6 (e) The center may approve a district multihazard emergency
7 operations plan that has deficiencies if the district submits a
8 revised plan that the center determines will correct the
9 deficiencies.

10 (f) If three months after the date of initial notification
11 of a plan's deficiencies under Subsection (c)(2) or failure to
12 submit a plan under Subsection (d) a district has not corrected the
13 plan deficiencies or has failed to submit a plan, the center shall
14 provide written notice to the district and agency that the district
15 has not complied with the requirements of this section and must
16 comply immediately.

17 (g) If a school district still has not corrected the plan
18 deficiencies or has failed to submit a plan six months after the
19 date of initial notification under Subsection (c)(2) or (d), the
20 center shall provide written notice to the school district stating
21 that the district must hold a public hearing under Section 37.1081.

22 (h) If a school district has failed to submit a plan, the
23 notice required by Subsection (g) must state that the commissioner
24 is authorized to appoint a conservator under Section 37.1082.

25 (i) Any document or information collected, developed, or
26 produced during the review and verification of multihazard
27 emergency operations plans under this section is not subject to

1 disclosure under Chapter 552, Government Code.

2 SECTION 16. Section 37.2091(d), Education Code, is amended
3 to read as follows:

4 (d) The center shall verify the information provided by a
5 person under Subsection (c) to confirm ~~[registry is intended to~~
6 ~~serve only as an informational resource for school districts and~~
7 ~~institutions of higher education. The inclusion of a person in the~~
8 ~~registry is not an indication of]~~ the person's qualifications and
9 [or] ability to provide school safety or security consulting
10 services before adding the person to the registry ~~[or that the~~
11 ~~center endorses the person's school safety or security consulting~~
12 ~~services]~~.

13 SECTION 17. Subchapter G, Chapter 37, Education Code, is
14 amended by adding Section 37.220 to read as follows:

15 Sec. 37.220. MODEL THREAT ASSESSMENT TEAM POLICIES AND
16 PROCEDURES. (a) The center, in coordination with the agency,
17 shall develop model policies and procedures to assist school
18 districts in establishing and training threat assessment teams.

19 (b) The model policies and procedures developed under
20 Subsection (a) must include procedures, when appropriate, for:

21 (1) the referral of a student to a local mental health
22 authority or health care provider for evaluation or treatment;

23 (2) the referral of a student for a full individual and
24 initial evaluation for special education services under Section
25 29.004; and

26 (3) a student or school personnel to anonymously
27 report dangerous, violent, or unlawful activity that occurs or is

threatened to occur on school property or that relates to a student or school personnel.

SECTION 18. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.036 to read as follows:

Sec. 38.036. TRAUMA-INFORMED CARE POLICY. (a) Each school district shall adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. A district must include the policy in the district improvement plan required under Section 11.252.

(b) A policy required by this section must address:

(1) using resources developed by the agency, methods for:

(A) increasing staff and parent awareness of trauma-informed care; and

(B) implementation of trauma-informed practices and care by district and campus staff; and

(2) available counseling options for students affected by trauma or grief.

(c) The methods under Subsection (b)(1) for increasing awareness and implementation of trauma-informed care must include training as provided by this subsection. The training must be provided:

(1) through a program selected from the list of recommended best practice-based programs and research-based practices established under Section 161.325, Health and Safety Code;

(2) as part of any new employee orientation for all new

1 school district educators; and

2 (3) to existing school district educators on a
3 schedule adopted by the agency by rule that requires educators to be
4 trained at intervals necessary to keep educators informed of
5 developments in the field.

6 (d) For any training under Subsection (c), each school
7 district shall maintain records that include the name of each
8 district staff member who participated in the training.

9 (e) Each school district shall report annually to the agency
10 the following information for the district as a whole and for each
11 school campus:

12 (1) the number of teachers, principals, and counselors
13 employed by the district who have completed training under this
14 section; and

15 (2) the total number of teachers, principals, and
16 counselors employed by the district.

17 (f) If a school district determines that the district does
18 not have sufficient resources to provide the training required
19 under Subsection (c), the district may partner with a community
20 mental health organization to provide training that meets the
21 requirements of Subsection (c) at no cost to the district.

22 (g) The commissioner shall adopt rules as necessary to
23 administer this section.

24 SECTION 19. Chapter 38, Education Code, is amended by
25 adding Subchapter F to read as follows:

26 SUBCHAPTER F. MENTAL HEALTH RESOURCES

27 Sec. 38.251. RUBRIC TO IDENTIFY RESOURCES. (a) The agency

1 shall develop a rubric for use by regional education service
2 centers in identifying resources related to student mental health
3 that are available to schools in their respective regions. The
4 agency shall develop the rubric in conjunction with:

- 5 (1) the Health and Human Services Commission;
- 6 (2) the Department of Family and Protective Services;
- 7 (3) the Texas Juvenile Justice Department;
- 8 (4) the Texas Higher Education Coordinating Board;
- 9 (5) the Texas Child Mental Health Care Consortium;
- 10 (6) the Texas Workforce Commission; and
- 11 (7) any other state agency the agency considers
12 appropriate.

13 (b) The rubric developed by the agency must provide for the
14 identification of resources relating to:

- 15 (1) training and technical assistance on practices
16 that support the mental health of students;
- 17 (2) school-based programs that provide prevention or
18 intervention services to students;
- 19 (3) community-based programs that provide
20 school-based or school-connected prevention or intervention
21 services to students;
- 22 (4) Communities In Schools programs described by
23 Subchapter E, Chapter 33;
- 24 (5) school-based mental health providers; and
- 25 (6) public and private funding sources available to
26 address the mental health of students.

27 (c) Not later than December 1 of each odd-numbered year, the

1 agency shall revise the rubric as necessary to reflect changes in
2 resources that may be available to schools and provide the rubric to
3 each regional education service center.

4 Sec. 38.252. REGIONAL INVENTORY OF MENTAL HEALTH RESOURCES.

5 (a) Each regional education service center shall use the rubric
6 developed under Section 38.251 to identify resources related to
7 student mental health available to schools in the center's region,
8 including evidence-based and promising programs and best
9 practices, that:

10 (1) create school environments that support the
11 social, emotional, and academic development of students;

12 (2) identify students who may need additional
13 behavioral or mental health support before issues arise;

14 (3) provide early, effective interventions to
15 students in need of additional support;

16 (4) connect students and their families to specialized
17 services in the school or community when needed; and

18 (5) assist schools in aligning resources necessary to
19 address the mental health of students.

20 (b) A regional education service center may consult with any
21 entity the center considers necessary in identifying resources
22 under Subsection (a), including:

23 (1) school districts;

24 (2) local mental health authorities;

25 (3) community mental health services providers;

26 (4) education groups;

27 (5) hospitals; and

1 (6) institutions of higher education.

2 (c) Not later than March 1 of each even-numbered year, each
3 regional education service center shall:

4 (1) use the revised rubric received from the agency
5 under Section 38.251 to identify, in the manner provided by this
6 section, any additional resources that may be available to schools
7 in the center's region; and

8 (2) submit to the agency a report on resources
9 identified through the process, including any additional resources
10 identified under Subdivision (1).

11 Sec. 38.253. STATEWIDE INVENTORY OF MENTAL HEALTH
12 RESOURCES. (a) The agency shall develop a list of statewide
13 resources available to school districts to address the mental
14 health of students, including:

15 (1) training and technical assistance on practices
16 that support the mental health of students;

17 (2) school-based programs that provide prevention or
18 intervention services to students;

19 (3) community-based programs that provide
20 school-based or school-connected prevention or intervention
21 services to students;

22 (4) school-based mental health providers; and

23 (5) public and private funding sources available to
24 address the mental health of students.

25 (b) In developing the list required under Subsection (a),
26 the agency shall collaborate with:

27 (1) the Health and Human Services Commission;

1 (2) the Department of Family and Protective Services;
2 (3) the Texas Juvenile Justice Department;
3 (4) the Texas Higher Education Coordinating Board;
4 (5) the Texas Child Mental Health Care Consortium;
5 (6) the Texas Workforce Commission;
6 (7) one or more representatives of Communities In
7 Schools programs described by Subchapter E, Chapter 33, who are
8 designated by the Communities In Schools State Office;
9 (8) hospitals or other health care providers;
10 (9) community service providers;
11 (10) parent, educator, and advocacy groups; and
12 (11) any entity the agency determines can assist the
13 agency in compiling the list.

14 (c) The agency shall include on the list any resource
15 available through an entity identified as a resource under
16 Subsection (b), including an entity described by Subsection (b),
17 that provides evidence-based and promising programs and best
18 practices that:

19 (1) create school environments that support the
20 social, emotional, and academic development of students;
21 (2) identify students who may need additional
22 behavioral or mental health support before issues arise;
23 (3) provide early, effective interventions to
24 students in need of additional support; and
25 (4) connect students and their families to specialized
26 services in the school or community when needed.

27 (d) The agency shall revise the list not later than March 1

1 of each even-numbered year.

2 Sec. 38.254. STATEWIDE PLAN FOR STUDENT MENTAL HEALTH. (a)

3 The agency shall develop a statewide plan to ensure all students
4 have access to adequate mental health resources. The agency shall
5 include in the plan:

6 (1) a description of any revisions made to the rubric
7 required by Section 38.251;

8 (2) the results of the most recent regional inventory
9 of mental health resources required by Section 38.252, including
10 any additional resources identified;

11 (3) the results of the most recent statewide inventory
12 of mental health resources required by Section 38.253, including
13 any additional resources identified;

14 (4) the agency's goals for student mental health
15 access to be applied across the state, including goals relating to:

16 (A) methods to objectively measure positive
17 school climate;

18 (B) increasing the availability of early,
19 effective school-based or school-connected mental health
20 interventions and resources for students in need of additional
21 support; and

22 (C) increasing the availability of referrals for
23 students and families to specialized services for students in need
24 of additional support outside the school;

25 (5) a list of actions the commissioner may take
26 without legislative action to help all districts reach the agency's
27 goals described by the plan; and

1 (6) recommendations to the legislature on methods to
2 ensure that all districts can meet the agency's goals described in
3 the plan through legislative appropriations or other action by the
4 legislature.

5 (b) In developing the agency's goals under Subsection
6 (a)(4), the agency shall consult with any person the agency
7 believes is necessary to the development of the goals, including:

8 (1) educators;

9 (2) mental health practitioners;

10 (3) advocacy groups; and

11 (4) parents.

12 (c) The agency shall revise the plan not later than April 1
13 of each even-numbered year.

14 (d) As soon as practicable after completing or revising the
15 plan, the agency shall:

16 (1) submit an electronic copy of the plan to the
17 legislature;

18 (2) post the plan on the agency's Internet website; and

19 (3) hold public meetings in each regional education
20 service center's region to present the statewide plan and shall
21 provide an opportunity for public comment at each meeting.

22 Sec. 38.255. AGENCY USE OF STATEWIDE PLAN. (a) The agency
23 shall use the statewide plan for student mental health required by
24 Section 38.254 to develop and revise the agency's long-term
25 strategic plan.

26 (b) The agency shall use the recommendations to the
27 legislature required by Section 38.254(a)(6) to develop each agency

1 legislative appropriations request.

2 Sec. 38.256. REPORTS TO LEGISLATURE. In addition to any
3 other information required to be provided to the legislature under
4 this chapter, not later than November 1 of each even-numbered year
5 the agency shall provide to the legislature:

6 (1) a description of any changes the agency has made to
7 the rubric required by Section 38.251; and

8 (2) an analysis of each region's progress toward
9 meeting the agency's goals developed under Section 38.254.

10 SECTION 20. Subchapter C, Chapter 42, Education Code, is
11 amended by adding Section 42.168 to read as follows:

12 Sec. 42.168. SCHOOL SAFETY ALLOTMENT. (a) From funds
13 appropriated for that purpose, the commissioner shall provide to a
14 school district an annual allotment in the amount provided by
15 appropriation for each student in average daily attendance.

16 (b) Funds allocated under this section must be used to
17 improve school safety and security, including costs associated
18 with:

19 (1) securing school facilities, including:

20 (A) improvements to school infrastructure;

21 (B) the use or installation of physical barriers;

22 and

23 (C) the purchase and maintenance of:

24 (i) security cameras or other security
25 equipment; and

26 (ii) technology, including communications
27 systems or devices, that facilitates communication and information

sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences; and

(C) the prevention, identification, and management of emergencies and threats, including:

(i) providing mental health personnel and support;

(ii) providing behavioral health services;

and

(iii) establishing threat reporting systems; and

(4) providing programs related to suicide prevention, intervention, and postvention.

(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety

1 and security purpose and an instructional purpose, provided that
2 the instructional use does not compromise the safety and security
3 purpose of the equipment or software.

4 (d) A school district that is required to take action under
5 Chapter 41 to reduce its wealth per student to the equalized wealth
6 level is entitled to a credit, in the amount of the allotments to
7 which the district is to receive as provided by appropriation,
8 against the total amount required under Section 41.093 for the
9 district to purchase attendance credits.

10 (e) The commissioner may adopt rules to implement this
11 section.

12 SECTION 21. Section 45.001(a), Education Code, is amended
13 to read as follows:

14 (a) The governing board of an independent school district,
15 including the city council or commission that has jurisdiction over
16 a municipally controlled independent school district, the
17 governing board of a rural high school district, and the
18 commissioners court of a county, on behalf of each common school
19 district under its jurisdiction, may:

20 (1) issue bonds for:

21 (A) the construction, acquisition, and equipment
22 of school buildings in the district;

23 (B) the acquisition of property or the
24 refinancing of property financed under a contract entered under
25 Subchapter A, Chapter 271, Local Government Code, regardless of
26 whether payment obligations under the contract are due in the
27 current year or a future year;

(C) the purchase of the necessary sites for school buildings; ~~and~~

(D) the purchase of new school buses;

(E) the retrofitting of school buses with emergency, safety, or security equipment; and

(F) the purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes; and

(2) ~~may~~ levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to Section 45.003.

SECTION 22. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 113.0001. DEFINITIONS. In this chapter:

(1) "Community mental health provider" means an entity that provides mental health care services at a local level, including a local mental health authority.

(2) "Consortium" means the Texas Child Mental Health Care Consortium.

(3) "Executive committee" means the executive committee of the consortium.

SUBCHAPTER B. CONSORTIUM

Sec. 113.0051. ESTABLISHMENT; PURPOSE. The Texas Child Mental Health Care Consortium is established to:

(1) leverage the expertise and capacity of the

health-related institutions of higher education listed in Section 113.0052(1) to address urgent mental health challenges and improve the mental health care system in this state in relation to children and adolescents; and

(2) enhance the state's ability to address mental health care needs of children and adolescents through collaboration of the health-related institutions of higher education listed in Section 113.0052(1).

Sec. 113.0052. COMPOSITION. The consortium is composed of:

(1) the following health-related institutions of higher education:

(A) Baylor College of Medicine;

(B) Texas A&M University System Health Science Center;

(C) Texas Tech University Health Sciences Center;

(D) Texas Tech University Health Sciences Center at El Paso;

(E) University of North Texas Health Science Center at Fort Worth;

(F) The Dell Medical School at The University of Texas at Austin;

(G) The University of Texas M.D. Anderson Cancer Center;

(H) The University of Texas Medical Branch at Galveston;

(I) The University of Texas Health Science Center

1 at Houston;

2 (J) The University of Texas Health Science Center

3 at San Antonio;

4 (K) The University of Texas Rio Grande Valley

5 School of Medicine;

6 (L) The University of Texas Health Science Center

7 at Tyler; and

8 (M) The University of Texas Southwestern Medical

9 Center;

10 (2) the commission;

11 (3) the Texas Higher Education Coordinating Board;

12 (4) three nonprofit organizations that focus on mental
13 health care, designated by a majority of the members described by

14 Subdivision (1); and

15 (5) any other entity that the executive committee
16 considers necessary.

17 Sec. 113.0053. ADMINISTRATIVE ATTACHMENT. The consortium
18 is administratively attached to the Texas Higher Education
19 Coordinating Board for the purpose of receiving and administering
20 appropriations and other funds under this chapter. The board is not
21 responsible for providing to the consortium staff, human resources,
22 contract monitoring, purchasing, or any other administrative
23 support services.

24 SUBCHAPTER C. EXECUTIVE COMMITTEE

25 Sec. 113.0101. EXECUTIVE COMMITTEE COMPOSITION. (a) The
26 consortium is governed by an executive committee composed of the
27 following members:

1 (1) the chair of the academic department of psychiatry
2 of each of the health-related institutions of higher education
3 listed in Section 113.0052(1) or a licensed psychiatrist, including
4 a child-adolescent psychiatrist, designated by the chair to serve
5 in the chair's place;

6 (2) a representative of the commission with expertise
7 in the delivery of mental health care services, appointed by the
8 executive commissioner;

9 (3) a representative of the commission with expertise
10 in mental health facilities, appointed by the executive
11 commissioner;

12 (4) a representative of the Texas Higher Education
13 Coordinating Board, appointed by the commissioner of the
14 coordinating board;

15 (5) a representative of each nonprofit organization
16 described by Section 113.0052(4) that is part of the consortium,
17 designated by a majority of the members described by Subdivision
18 (1);

19 (6) a representative of a hospital system in this
20 state, designated by a majority of the members described by
21 Subdivision (1); and

22 (7) any other representative designated:

23 (A) under Subsection (b); or

24 (B) by a majority of the members described by
25 Subdivision (1) at the request of the executive committee.

26 (b) The president of each of the health-related
27 institutions of higher education listed in Section 113.0052(1) may

1 designate a representative to serve on the executive committee.

2 Sec. 113.0102. VACANCY. A vacancy on the executive
3 committee shall be filled in the same manner as the original
4 appointment.

5 Sec. 113.0103. PRESIDING OFFICER. The executive committee
6 shall elect a presiding officer from among the membership of the
7 executive committee.

8 Sec. 113.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING
9 COUNCIL. The consortium shall designate a member of the executive
10 committee to represent the consortium on the statewide behavioral
11 health coordinating council.

12 Sec. 113.0105. GENERAL DUTIES. The executive committee
13 shall:

14 (1) coordinate the provision of funding to the
15 health-related institutions of higher education listed in Section
16 113.0052(1) to carry out the purposes of this chapter;

17 (2) establish procedures and policies for the
18 administration of funds under this chapter;

19 (3) monitor funding and agreements entered into under
20 this chapter to ensure recipients of funding comply with the terms
21 and conditions of the funding and agreements; and

22 (4) establish procedures to document compliance by
23 executive committee members and staff with applicable laws
24 governing conflicts of interest.

25 SUBCHAPTER D. ACCESS TO CARE

26 Sec. 113.0151. CHILD PSYCHIATRY ACCESS NETWORK AND
27 TELEMEDICINE AND TELEHEALTH PROGRAMS. (a) The consortium shall

1 establish a network of comprehensive child psychiatry access
2 centers. A center established under this section shall:

3 (1) be located at a health-related institution of
4 higher education listed in Section 113.0052(1); and

5 (2) provide consultation services and training
6 opportunities for pediatricians and primary care providers
7 operating in the center's geographic region to better care for
8 children and youth with behavioral health needs.

9 (b) The consortium shall establish or expand telemedicine
10 or telehealth programs for identifying and assessing behavioral
11 health needs and providing access to mental health care services.
12 The consortium shall implement this subsection with a focus on the
13 behavioral health needs of at-risk children and adolescents.

14 (c) A health-related institution of higher education listed
15 in Section 113.0052(1) may enter into a memorandum of understanding
16 with a community mental health provider to:

17 (1) establish a center under Subsection (a); or
18 (2) establish or expand a program under Subsection
19 (b).

20 (d) The consortium shall leverage the resources of a
21 hospital system under Subsection (a) or (b) if the hospital system:

22 (1) provides consultation services and training
23 opportunities for pediatricians and primary care providers that are
24 consistent with those described by Subsection (a); and

25 (2) has an existing telemedicine or telehealth program
26 for identifying and assessing the behavioral health needs of and
27 providing access to mental health care services for children and

1 adolescents.

2 Sec. 113.0152. CONSENT REQUIRED FOR SERVICES TO MINOR. (a)
3 A person may provide mental health care services to a child younger
4 than 18 years of age through a program established under this
5 subchapter only if the person obtains the written consent of the
6 parent or legal guardian of the child.

7 (b) The consortium shall develop and post on its Internet
8 website a model form for a parent or legal guardian to provide
9 consent under this section.

10 (c) This section does not apply to services provided by a
11 school counselor in accordance with Section 33.005, 33.006, or
12 33.007, Education Code.

13 Sec. 113.0153. REIMBURSEMENT FOR SERVICES. A child
14 psychiatry access center established under Section 113.0151(a) may
15 not submit an insurance claim or charge a pediatrician or primary
16 care provider a fee for providing consultation services or training
17 opportunities under this section.

18 SUBCHAPTER E. CHILD MENTAL HEALTH WORKFORCE

19 Sec. 113.0201. CHILD PSYCHIATRY WORKFORCE EXPANSION. (a)
20 The executive committee may provide funding to a health-related
21 institution of higher education listed in Section 113.0052(1) for
22 the purpose of funding:

23 (1) two full-time psychiatrists who treat children and
24 adolescents to serve as academic medical director at a facility
25 operated by a community mental health provider; and

26 (2) two new resident rotation positions.

27 (b) An academic medical director described by Subsection

1 (a) shall collaborate and coordinate with a community mental health
2 provider to expand the amount and availability of mental health
3 care resources by developing training opportunities for residents
4 and supervising residents at a facility operated by the community
5 mental health provider.

6 (c) An institution of higher education that receives
7 funding under Subsection (a) shall require that psychiatric
8 residents participate in rotations through the facility operated by
9 the community mental health provider in accordance with Subsection
10 (b).

11 Sec. 113.0202. CHILD AND ADOLESCENT PSYCHIATRY FELLOWSHIP.

12 (a) The executive committee may provide funding to a
13 health-related institution of higher education listed in Section
14 113.0052(1) for the purpose of funding a physician fellowship
15 position that will lead to a medical specialty in the diagnosis and
16 treatment of psychiatric and associated behavioral health issues
17 affecting children and adolescents.

18 (b) The funding provided to a health-related institution of
19 higher education under this section must be used to increase the
20 number of fellowship positions at the institution and may not be
21 used to replace existing funding for the institution.

22 SUBCHAPTER F. MISCELLANEOUS PROVISIONS

23 Sec. 113.0251. BIENNIAL REPORT. Not later than December 1
24 of each even-numbered year, the consortium shall prepare and submit
25 to the governor, the lieutenant governor, the speaker of the house
26 of representatives, and the standing committee of each house of the
27 legislature with primary jurisdiction over behavioral health

issues and post on its Internet website a written report that outlines:

- (1) the activities and objectives of the consortium;
- (2) the health-related institutions of higher education listed in Section 113.0052(1) that receive funding by the executive committee; and
- (3) any legislative recommendations based on the activities and objectives described by Subdivision (1).

Sec. 113.0252. APPROPRIATION CONTINGENCY. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this chapter.

SECTION 23. Section 161.325(d), Health and Safety Code, is amended to read as follows:

(d) A school district may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

- (1) include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;

- (2) include a procedure for providing notice of a recommendation for early mental health or substance abuse

1 intervention regarding a student to a parent or guardian of the
2 student within a reasonable amount of time after the identification
3 of early warning signs as described by Subsection (b)(2);

4 (3) [~~42~~] include a procedure for providing notice of
5 a student identified as at risk of committing suicide to a parent or
6 guardian of the student within a reasonable amount of time after the
7 identification of early warning signs as described by Subsection
8 (b)(2);

9 (4) [~~43~~] establish that the district may develop a
10 reporting mechanism and may designate at least one person to act as
11 a liaison officer in the district for the purposes of identifying
12 students in need of early mental health or substance abuse
13 intervention or suicide prevention; and

14 (5) [~~44~~] set out available counseling alternatives
15 for a parent or guardian to consider when their child is identified
16 as possibly being in need of early mental health or substance abuse
17 intervention or suicide prevention.

18 SECTION 24. Section 1701.263(b), Occupations Code, is
19 amended to read as follows:

20 (b) The commission by rule shall require a school district
21 peace officer or a school resource officer who is commissioned by or
22 who provides law enforcement at a school district [~~with an~~
23 ~~enrollment of 30,000 or more students~~] to successfully complete an
24 education and training program described by this section before or
25 within 180 [~~120~~] days of the officer's commission by or placement in
26 the district or a campus of the district. The program must:

27 (1) consist of at least 16 hours of training;

1 (2) be approved by the commission; and

2 (3) provide training in accordance with the curriculum
3 developed under Section 1701.262 in each subject area listed in
4 Subsection (c) of that section.

5 SECTION 25. From funds appropriated for that purpose, the
6 commissioner of education shall establish and administer a grant
7 program to award grants to local education agencies to improve and
8 maintain student and school safety.

9 SECTION 26. Not later than January 1, 2020:

10 (1) the Texas School Safety Center shall:

11 (A) develop a list of best practices for ensuring
12 the safety of public school students receiving instruction in
13 portable buildings; and

14 (B) provide information regarding the list of
15 best practices to school districts using portable buildings for
16 student instruction;

17 (2) the commissioner of education shall adopt or amend
18 rules as required by Section 7.061, Education Code, as added by this
19 Act; and

20 (3) the commissioner of education, in consultation
21 with the Texas School Safety Center and the state fire marshal,
22 shall adopt rules as required by Section 37.114, Education Code, as
23 added by this Act.

24 SECTION 27. (a) Not later than December 1, 2019, the Texas
25 Education Agency shall develop and distribute to each regional
26 education service center the rubric required by Section 38.251,
27 Education Code, as added by this Act.

1 (b) Not later than March 1, 2020:

2 (1) each regional education service center shall
3 complete the regional inventory of mental health resources required
4 by Section 38.252, Education Code, as added by this Act, and report
5 to the Texas Education Agency on the resources identified through
6 the inventory; and

7 (2) the Texas Education Agency shall complete the
8 statewide inventory of mental health resources required by Section
9 38.253, Education Code, as added by this Act, and develop a list of
10 resources available to school districts statewide to address the
11 mental health of students.

12 (c) Not later than April 1, 2020, the Texas Education Agency
13 shall develop the statewide plan for student mental health required
14 by Section 38.254, Education Code, as added by this Act, submit an
15 electronic copy of the plan to the legislature, and post the plan on
16 the agency's Internet website.

17 SECTION 28. As soon as practicable after the effective date
18 of this Act, the executive commissioner of the Health and Human
19 Services Commission, the commissioner of the Texas Higher Education
20 Coordinating Board, and the members of the executive committee
21 described by Section 113.0101(a)(1), Health and Safety Code, as
22 added by this Act, shall make the appointments and designations
23 required by Section 113.0101, Health and Safety Code, as added by
24 this Act.

25 SECTION 29. (a) Notwithstanding Section 1701.263(b),
26 Occupations Code, as amended by this Act, a school district peace
27 officer or school resource officer who commences employment with or

1 commences providing law enforcement at a school district with an
2 enrollment of fewer than 30,000 students on a date occurring before
3 September 1, 2019, shall complete the training required by Section
4 1701.263, Occupations Code, as amended by this Act, as soon as
5 practicable and not later than August 31, 2020. This subsection
6 does not apply to an officer who is exempt from the training
7 established under Section 1701.263, Occupations Code, as amended by
8 this Act, because the officer has completed the training described
9 by Subsection (b-1) of that section.

10 (b) Not later than October 1, 2019, a school district with
11 an enrollment of fewer than 30,000 students shall adopt the
12 training policy for school district peace officers and school
13 resource officers required by Section 37.0812, Education Code, as
14 amended by this Act.

15 SECTION 30. Sections 28.002 and 28.004(c), Education Code,
16 as amended by this Act, apply beginning with the 2019-2020 school
17 year.

18 SECTION 31. The Texas Education Agency and the Texas School
19 Safety Center are required to implement a provision of this Act only
20 if the legislature appropriates money specifically for that
21 purpose. If the legislature does not appropriate money
22 specifically for that purpose, the Texas Education Agency or the
23 Texas School Safety Center may, but is not required to, implement a
24 provision of this Act using other appropriations available for that
25 purpose.

26 SECTION 32. To the extent of any conflict, this Act prevails
27 over another Act of the 86th Legislature, Regular Session, 2019,

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 33. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2019.

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SECTION 1. Subchapter C, Chapter 7, Education Code, is amended by adding Section 7.061.	SECTION 1. Same as Senate version.	SECTION 1. Same as Senate version.
<i>No equivalent provision.</i>	Same as Senate version. SECTION 2. [Deleted by FA2]	Same as Senate version.
SECTION 2. Section 11.252(a), Education Code, is amended.	SECTION 3. Same as Senate version.	SECTION 2. Same as Senate version.
SECTION 3. Section 12.104(b), Education Code, as amended by Chapters 324 (S.B. 1488), 522 (S.B. 179), and 735 (S.B. 1153), Acts of the 85th Legislature, Regular Session, 2017, is reenacted and amended.	SECTION 4. Same as Senate version except also subjects open-enrollment charter schools to requirements relating to healthy relationships education.	SECTION 3. Same as Senate version.
SECTION 4. Sections 21.054(d) and (d-2), Education Code, are amended.	SECTION 5. Same as Senate version.	SECTION 4. Same as Senate version.
<i>No equivalent provision.</i>	SECTION __. Section 21.451(d), Education Code, is amended. [FA7]	Same as Senate version.
SECTION 5. Section 25.081(a), Education Code, is amended.	SECTION 6. Same as Senate version.	SECTION 5. Same as Senate version.
SECTION 6. Subchapter C, Chapter 25, Education Code, is amended by adding Section 25.0815.	SECTION 7. Same as Senate version.	SECTION 6. Same as Senate version.
SECTION 7. Section 28.002, Education Code, is amended by adding Subsection (z).	SECTION 8. Same as Senate version except also amends Subsection (a) as follows: [FA3(1)] <i>(a) Each school district that offers kindergarten through grade 12 shall offer, as a required curriculum:</i> <i>(1) a foundation curriculum that includes:</i> <i>(A) English language arts;</i>	SECTION 7. Same as House version.

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(B) mathematics;
(C) science; and
(D) social studies, consisting of Texas, United States, and world history, government, economics, with emphasis on the free enterprise system and its benefits, and geography; and
(2) an enrichment curriculum that includes:
(A) to the extent possible, languages other than English;
(B) health, with emphasis on:
(i) physical health, including the importance of proper nutrition and exercise;
(ii) mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
(iii) suicide prevention, including recognizing suicide-related risk factors and warning signs;
(C) physical education;
(D) fine arts;
(E) career and technology education;
(F) technology applications;
(G) religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
(H) personal financial literacy. [FA3(2)]

SECTION 8. Section 28.004(c), Education Code, is amended to read as follows:

(c) The local school health advisory council's duties include recommending:

SECTION 9. Section 28.004, Education Code, is amended by amending Subsection (c) and adding Subsections (o), (q), and (r) to read as follows: [FA4(1)]

(c) The local school health advisory council's duties include recommending:

SECTION 8. Same as Senate version except as follows:

(c) Same as Senate version.

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- (1) the number of hours of instruction to be provided in health education;
- (2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - (A) health education;
 - (B) physical education and physical activity;
 - (C) nutrition services;
 - (D) parental involvement;
 - (E) instruction to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco;
 - (F) school health services;
 - (G) counseling and guidance services;
 - (H) a safe and healthy school environment; and
 - (I) school employee wellness;
- (3) appropriate grade levels and methods of instruction for human sexuality instruction;
- (4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:
 - (A) school health services;
 - (B) counseling and guidance services;
 - (C) a safe and healthy school environment; and
 - (D) school employee wellness; ~~and~~
- (5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies; and
- (6) strategies to increase parental awareness regarding:

HOUSE VERSION (IE)

- (1) the number of hours of instruction to be provided in health education;
- (2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - (A) health education;
 - (B) physical education and physical activity;
 - (C) nutrition services;
 - (D) parental involvement;
 - (E) instruction to prevent the use of e-cigarettes, as defined by Section 161.081, Health and Safety Code, and tobacco;
 - (F) school health services;
 - (G) counseling and guidance services;
 - (H) a safe and healthy school environment; and
 - (I) school employee wellness;
- (3) appropriate grade levels and methods of instruction for human sexuality instruction and healthy relationships education;
- (4) strategies for integrating the curriculum components specified by Subdivision (2) with the following elements in a coordinated school health program for the district:
 - (A) school health services;
 - (B) counseling and guidance services;
 - (C) a safe and healthy school environment; and
 - (D) school employee wellness; ~~and~~
- (5) if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies; and
- (6) strategies to increase parental awareness regarding:

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(A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
(B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

No equivalent provision.

No equivalent provision.

HOUSE VERSION (IE)

(A) risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
(B) available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

(o) The local school health advisory council shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services.
[FA4(2)]

(q) The board of trustees shall determine the specific content of the district's healthy relationships education with the advice of the local school health advisory council. The curriculum for the healthy relationships education must be age-appropriate and supported by research that is peer-reviewed, conducted in compliance with accepted scientific methods, and recognized as accurate by leading professional organizations and agencies with relevant experience. As age-appropriate, the curriculum must promote relationship, communication, and decision-making skills, including strategies to:
(1) develop healthy, age-appropriate relationships;
(2) develop healthy life skills, including critical thinking, problem solving, effective communication, and responsible decision making about relationships; and
(3) promote effective communication between adolescents and their parents, legal guardians, or other family members about relationships.

CONFERENCE

(o) Same as House version.

Same as Senate version.

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No equivalent provision.

No equivalent provision.

SECTION 9. Section 37.108, Education Code, is amended by amending Subsections (a), (b), and (c) and adding Subsection (f) to read as follows:

(a) Each school district or public junior college district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center in conjunction with the governor's office of homeland security and the commissioner of education or commissioner of higher education, as applicable ~~in conjunction with the governor's office of homeland security~~. The plan must provide for:

(1) ~~[district employee]~~ training in responding to an emergency for district employees, including substitute teachers;

HOUSE VERSION (IE)

(r) In this section, "age-appropriate" means suitable to particular ages or age groups of children or adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

SECTION 10. Section 37.0812, Education Code, is amended to read as follows:

Sec. 37.0812. TRAINING POLICY: SCHOOL DISTRICT PEACE OFFICERS AND SCHOOL RESOURCE OFFICERS. A school district ~~[with an enrollment of 30,000 or more students]~~ that commissions a school district peace officer or at which a school resource officer provides law enforcement shall adopt a policy requiring the officer to complete the education and training program required by Section 1701.263, Occupations Code.

SECTION 11. Same as Senate version except also requires each public school district to certify in its safety and security audit that the district used the funds provided to the district through the school safety allotment only for the specified purposes of the allotment and also specifies that each public school district's multihazard operations plan must include provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that include training on integrating suicide prevention strategies in the plan. [FA5]

CONFERENCE

Same as Senate version.

SECTION 9. Same as House version.

SECTION 10. Same as House version.

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(2) measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

(3) measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

(4) if the plan applies to a school district, mandatory school drills and exercises, including drills required under Section 37.114, to prepare district students and employees for responding to an emergency;

(5) [(3)] measures to ensure coordination with the Department of State Health Services and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency; and

(6) [(4)] the implementation of a safety and security audit as required by Subsection (b).

(b) At least once every three years, each school district or public junior college district shall conduct a safety and security audit of the district's facilities. To the extent possible, a district shall follow safety and security audit procedures developed by the Texas School Safety Center or a person included in the registry established by the Texas School Safety Center under Section 37.2091 [~~comparable public or private entity~~].

(c) A school district or public junior college district shall report the results of the safety and security audit conducted under Subsection (b) to the district's board of trustees and, in the manner required by the Texas School Safety Center, to

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the Texas School Safety Center. The report provided to the Texas School Safety Center under this subsection must be signed by:

(1) for a school district, the district's board of trustees and superintendent; or

(2) for a public junior college district, the president of the junior college district.

(f) A school district shall include in its multihazard emergency operations plan:

(1) a chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

(2) provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of this section by the agency or the Texas School Safety Center;

(3) provisions for ensuring the safety of students in portable buildings;

(4) provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation;

(5) provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

(6) provisions for supporting the psychological safety of students, district personnel, and the community during the response and recovery phase following a disaster or emergency situation that:

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(A) are aligned with best practice-based programs and research-based practices recommended under Section 161.325, Health and Safety Code;

(B) include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;

(C) include training on integrating psychological safety strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and Texas School Safety Center for:

(i) members of the district's school safety and security committee under Section 37.109;

(ii) district school counselors and mental health professionals; and

(iii) educators and other district personnel as determined by the district;

(D) include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by Subdivision (2); and

(E) implement trauma-informed policies;

(7) a policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill; and

(8) the name of each individual on the district's school safety and security committee established under Section 37.109 and the date of each committee meeting during the preceding year.

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SECTION 10. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.1081 and 37.1082.	SECTION 12. Same as Senate version.	SECTION 11. Same as Senate version.
SECTION 11. Section 37.109, Education Code, is amended.	SECTION 13. Same as Senate version.	SECTION 12. Same as Senate version.
SECTION 12. Subchapter D, Chapter 37, Education Code, is amended by adding Sections 37.113, 37.114, and 37.115.	SECTION 14. Same as Senate version except also adds the following provision to Section 37.115: <u><i>() A team may not provide a mental health care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or person standing in parental relation to the student before providing the mental health care service. The consent required by this subsection must be submitted on a form developed by the school district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.</i></u> [FA1]	SECTION 13. Substantially the same as House version.
SECTION 13. Section 37.207, Education Code, is amended.	SECTION 15. Same as Senate version.	SECTION 14. Same as Senate version.
SECTION 14. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.2071.	SECTION 16. Same as Senate version.	SECTION 15. Same as Senate version.
SECTION 15. Section 37.2091(d), Education Code, is amended.	SECTION 17. Same as Senate version.	SECTION 16. Same as Senate version.

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SECTION 16. Subchapter G, Chapter 37, Education Code, is amended by adding Section 37.220.

SECTION 18. Same as Senate version.

SECTION 17. Same as Senate version.

SECTION 17. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.036.

SECTION 19. Substantially the same as Senate version.

SECTION 18. Same as House version.

No equivalent provision.

SECTION __. Chapter 38, Education Code, is amended by adding Subchapter F to read as follows:
SUBCHAPTER F. MENTAL HEALTH RESOURCES
Sec. 38.251. RUBRIC TO IDENTIFY RESOURCES. (a)
The agency shall develop a rubric for use by regional education service centers in identifying resources related to student mental health that are available to schools in their respective regions. The agency shall develop the rubric in conjunction with:
(1) the Health and Human Services Commission;
(2) the Department of Family and Protective Services;
(3) the Texas Juvenile Justice Department;
(4) the Texas Higher Education Coordinating Board; [FA8]
() the *Texas Child Mental Health Consortium*;
[FA8,FA9(1)]
(5) the Texas Workforce Commission; and
(6) any other state agency the agency considers appropriate.
(b) The rubric developed by the agency must provide for the identification of resources relating to:
(1) training and technical assistance on practices that support the mental health of students;

SECTION 19. Substantially the same as House version except refers to the *Texas Child Mental Health Care Consortium* as applicable.

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(2) school-based programs that provide prevention or intervention services to students;

(3) community-based programs that provide school-based or school-connected prevention or intervention services to students;

(4) Communities In Schools programs described by Subchapter E, Chapter 33;

(5) school-based mental health providers; and

(6) public and private funding sources available to address the mental health of students.

(c) Not later than December 1 of each odd-numbered year, the agency shall revise the rubric as necessary to reflect changes in resources that may be available to schools and provide the rubric to each regional education service center.

Sec. 38.252. REGIONAL INVENTORY OF MENTAL HEALTH RESOURCES. (a) Each regional education service center shall use the rubric developed under Section 38.251 to identify resources related to student mental health available to schools in the center's region, including evidence-based and promising programs and best practices, that:

(1) create school environments that support the social, emotional, and academic development of students;

(2) identify students who may need additional behavioral or mental health support before issues arise;

(3) provide early, effective interventions to students in need of additional support;

(4) connect students and their families to specialized services in the school or community when needed; and

(5) assist schools in aligning resources necessary to address the mental health of students.

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(b) A regional education service center may consult with any entity the center considers necessary in identifying resources under Subsection (a), including:

- (1) school districts;
- (2) local mental health authorities;
- (3) community mental health services providers;
- (4) education groups;
- (5) hospitals; and
- (6) institutions of higher education.

(c) Not later than March 1 of each even-numbered year, each regional education service center shall:

- (1) use the revised rubric received from the agency under Section 38.251 to identify, in the manner provided by this section, any additional resources that may be available to schools in the center's region; and
- (2) submit to the agency a report on resources identified through the process, including any additional resources identified under Subdivision (1).

Sec. 38.253. STATEWIDE INVENTORY OF MENTAL HEALTH RESOURCES. (a) The agency shall develop a list of statewide resources available to school districts to address the mental health of students, including:

- (1) training and technical assistance on practices that support the mental health of students;
- (2) school-based programs that provide prevention or intervention services to students;
- (3) community-based programs that provide school-based or school-connected prevention or intervention services to students;
- (4) school-based mental health providers; and
- (5) public and private funding sources available to address the mental health of students.

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- (b) In developing the list required under Subsection (a), the agency shall collaborate with:
- (1) the Health and Human Services Commission;
 - (2) the Department of Family and Protective Services;
 - (3) the Texas Juvenile Justice Department;
 - (4) the Texas Higher Education Coordinating Board; [FA8]
 - () the ***Texas Child Mental Health Consortium***; [FA8,FA9(2)]
 - (5) the Texas Workforce Commission;
 - (6) one or more representatives of Communities In Schools programs described by Subchapter E, Chapter 33, who are designated by the Communities In Schools State Office;
 - (7) hospitals or other health care providers;
 - (8) community service providers;
 - (9) parent, educator, and advocacy groups; and
 - (10) any entity the agency determines can assist the agency in compiling the list.
- (c) The agency shall include on the list any resource available through an entity identified as a resource under Subsection (b), including an entity described by Subsection (b), that provides evidence-based and promising programs and best practices that:
- (1) create school environments that support the social, emotional, and academic development of students;
 - (2) identify students who may need additional behavioral or mental health support before issues arise;
 - (3) provide early, effective interventions to students in need of additional support; and
 - (4) connect students and their families to specialized services in the school or community when needed.
- (d) The agency shall revise the list not later than March 1 of each even-numbered year.

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Sec. 38.254. STATEWIDE PLAN FOR STUDENT MENTAL HEALTH. (a) The agency shall develop a statewide plan to ensure all students have access to adequate mental health resources. The agency shall include in the plan:

(1) a description of any revisions made to the rubric required by Section 38.251;

(2) the results of the most recent regional inventory of mental health resources required by Section 38.252, including any additional resources identified;

(3) the results of the most recent statewide inventory of mental health resources required by Section 38.253, including any additional resources identified;

(4) the agency's goals for student mental health access to be applied across the state, including goals relating to:

(A) methods to objectively measure positive school climate;

(B) increasing the availability of early, effective school-based or school-connected mental health interventions and resources for students in need of additional support; and

(C) increasing the availability of referrals for students and families to specialized services for students in need of additional support outside the school;

(5) a list of actions the commissioner may take without legislative action to help all districts reach the agency's goals described by the plan; and

(6) recommendations to the legislature on methods to ensure that all districts can meet the agency's goals described in the plan through legislative appropriations or other action by the legislature.

(b) In developing the agency's goals under Subsection (a)(4), the agency shall consult with any person the agency believes is necessary to the development of the goals, including:

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- (1) educators;
- (2) mental health practitioners;
- (3) advocacy groups; and
- (4) parents.
- (c) The agency shall revise the plan not later than April 1 of each even-numbered year.
- (d) As soon as practicable after completing or revising the plan, the agency shall:
 - (1) submit an electronic copy of the plan to the legislature;
 - (2) post the plan on the agency's Internet website; and
 - (3) hold public meetings in each regional education service center's region to present the statewide plan and shall provide an opportunity for public comment at each meeting.
- Sec. 38.255. AGENCY USE OF STATEWIDE PLAN. (a) The agency shall use the statewide plan for student mental health required by Section 38.254 to develop and revise the agency's long-term strategic plan.
- (b) The agency shall use the recommendations to the legislature required by Section 38.254(a)(6) to develop each agency legislative appropriations request.
- Sec. 38.256. REPORTS TO LEGISLATURE. In addition to any other information required to be provided to the legislature under this chapter, not later than November 1 of each even-numbered year the agency shall provide to the legislature:
 - (1) a description of any changes the agency has made to the rubric required by Section 38.251; and
 - (2) an analysis of each region's progress toward meeting the agency's goals developed under Section 38.254.

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No equivalent provision.

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SECTION 20. Subchapter C, Chapter 42, Education Code, is amended by adding Section 42.168 to read as follows:

Sec. 42.168. SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b) Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1) securing school facilities, including:

(A) improvements to school infrastructure;

(B) the use or installation of physical barriers; and

(C) the purchase and maintenance of:

(i) security cameras or other security equipment; and

(ii) technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2) providing security for the district, including:

(A) employing school district peace officers, private security officers, and school marshals; and

(B) collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district; and

(3) school safety and security training and planning, including:

(A) active shooter and emergency response training;

(B) prevention and treatment programs relating to addressing adverse childhood experiences;

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SECTION 20. Same as House version except also includes costs associated with providing programs related to suicide prevention, intervention, and postvention among the purposes for which the allocated funds may be used.

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(C) the prevention, identification, and management of emergencies and threats, including:
(i) providing mental health personnel and support;
(ii) providing behavioral health services; and
(iii) establishing threat reporting systems; and
() providing programs related to suicide prevention, intervention, and postvention. [FA6(1)-(2)]
(c) A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.
(d) A school district that is required to take action under Chapter 41 to reduce its wealth per student to the equalized wealth level is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 41.093 for the district to purchase attendance credits.
(e) The commissioner may adopt rules to implement this section.

SECTION 18. Section 45.001(a), Education Code, is amended.

No equivalent provision.

SECTION 21. Same as Senate version.

SECTION __. *Subtitle G, Title 2, Education Code, is amended by adding Chapter 39* to read as follows:
CHAPTER 39. TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 39.001. DEFINITIONS. In this chapter:

SECTION 21. Same as Senate version.

SECTION 22. *Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 113* to read as follows:
CHAPTER 113. TEXAS CHILD MENTAL HEALTH CARE CONSORTIUM
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 113.0001. DEFINITIONS. In this chapter:

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(1) "Community mental health provider" means an entity that provides mental health care services at a local level, including a local mental health authority.

(2) "Consortium" means the Texas Child Mental Health Care Consortium.

(3) "Executive committee" means the executive committee of the consortium.

SUBCHAPTER B. CONSORTIUM

Sec. 39.051. ESTABLISHMENT; PURPOSE. The *Texas Mental Health Care Consortium* is established to:

(1) leverage the expertise and capacity of the health-related institutions of higher education listed in Section 39.052 to address urgent mental health challenges related to, and improve the mental health care system in this state, for children and adolescents; and

(2) enhance the state's ability to address mental health care needs of children and adolescents through collaboration of the health-related institutions of higher education listed in Section 39.052.

Sec. 39.052. COMPOSITION. The consortium is composed of:

(1) the following health-related institutions of higher education:

(A) Baylor College of Medicine;

(B) Texas A&M University System Health Science Center;

(C) Texas Tech University Health Sciences Center;

(D) Texas Tech University Health Sciences Center at El Paso;

(E) University of North Texas Health Science Center at Fort Worth;

(1) "Community mental health provider" means an entity that provides mental health care services at a local level, including a local mental health authority.

(2) "Consortium" means the Texas Child Mental Health Care Consortium.

(3) "Executive committee" means the executive committee of the consortium.

SUBCHAPTER B. CONSORTIUM

Sec. 113.0051. ESTABLISHMENT; PURPOSE. *The Texas Child Mental Health Care Consortium* is established to:

(1) leverage the expertise and capacity of the health-related institutions of higher education listed in Section 113.0052(1) to address urgent mental health challenges and improve the mental health care system in this state in relation to children and adolescents; and

(2) enhance the state's ability to address mental health care needs of children and adolescents through collaboration of the health-related institutions of higher education listed in Section 113.0052(1).

Sec. 113.0052. COMPOSITION. The consortium is composed of:

(1) the following health-related institutions of higher education:

(A) Baylor College of Medicine;

(B) Texas A&M University System Health Science Center;

(C) Texas Tech University Health Sciences Center;

(D) Texas Tech University Health Sciences Center at El Paso;

(E) University of North Texas Health Science Center at Fort Worth;

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(F) The Dell Medical School at The University of Texas at Austin;
(G) The University of Texas M.D. Anderson Cancer Center;
(H) The University of Texas Medical Branch at Galveston;
(I) The University of Texas Health Science Center at Houston;
(J) The University of Texas Health Science Center at San Antonio;
(K) The University of Texas Rio Grande Valley School of Medicine;
(L) The University of Texas Health Science Center at Tyler;
and
(M) The University of Texas Southwestern Medical Center;
(2) the Health and Human Services Commission;
(3) the Texas Higher Education Coordinating Board;
(4) three nonprofit organizations that focus on mental health care, designated by a majority of the members described by Subdivision (1); and
(5) any other entity that the executive committee considers necessary.
Sec. 39.053. ADMINISTRATIVE ATTACHMENT.
The consortium is administratively attached to the Texas Higher Education Coordinating Board for the purpose of receiving and administering appropriations and other funds under this chapter. The board is not responsible for providing to the consortium staff human resources, contract monitoring, purchasing, or any other administrative support services.
SUBCHAPTER C. EXECUTIVE COMMITTEE
Sec. 39.0101. EXECUTIVE COMMITTEE
COMPOSITION. (a) The consortium is governed by an executive committee composed of the following members:

(F) The Dell Medical School at The University of Texas at Austin;
(G) The University of Texas M.D. Anderson Cancer Center;
(H) The University of Texas Medical Branch at Galveston;
(I) The University of Texas Health Science Center at Houston;
(J) The University of Texas Health Science Center at San Antonio;
(K) The University of Texas Rio Grande Valley School of Medicine;
(L) The University of Texas Health Science Center at Tyler;
and
(M) The University of Texas Southwestern Medical Center;
(2) the commission;
(3) the Texas Higher Education Coordinating Board;
(4) three nonprofit organizations that focus on mental health care, designated by a majority of the members described by Subdivision (1); and
(5) any other entity that the executive committee considers necessary.
Sec. 113.0053. ADMINISTRATIVE ATTACHMENT.
The consortium is administratively attached to the Texas Higher Education Coordinating Board for the purpose of receiving and administering appropriations and other funds under this chapter. The board is not responsible for providing to the consortium staff, human resources, contract monitoring, purchasing, or any other administrative support services.
SUBCHAPTER C. EXECUTIVE COMMITTEE
Sec. 113.0101. EXECUTIVE COMMITTEE
COMPOSITION. (a) The consortium is governed by an executive committee composed of the following members:

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(1) the chair of the academic department of psychiatry of each of the health-related institutions of higher education listed in Section 39.052 or a licensed psychiatrist, including a child-adolescent psychiatrist, designated by the chair to serve in the chair's place;
(2) a representative of the Health and Human Services Commission with expertise in the delivery of mental health care services, appointed by the executive commissioner;
(3) a representative of the Health and Human Services Commission with expertise in mental health facilities, appointed by the executive commissioner;
(4) a representative of the Texas Higher Education Coordinating Board, appointed by the commissioner of the coordinating board;
(5) a representative of each nonprofit organization described by Section 39.052 that is part of the consortium, designated by a majority of the members described by Subdivision (1);

(6) a representative of a hospital system in this state, designated by a majority of the members described by Subdivision (1); and
(7) any other representative designated:
(A) under Subsection (b); or
(B) by a majority of the members described by Subdivision (1) at the request of the executive committee.
(b) The president of each of the health-related institutions of higher education listed in Section 39.052 may designate a representative to serve on the executive committee.

Sec. 39.0102. VACANCY. A vacancy on the executive committee shall be filled in the same manner as the original appointment.

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(1) the chair of the academic department of psychiatry of each of the health-related institutions of higher education listed in Section 113.0052(1) or a licensed psychiatrist, including a child-adolescent psychiatrist, designated by the chair to serve in the chair's place;
(2) a representative of the commission with expertise in the delivery of mental health care services, appointed by the executive commissioner;
(3) a representative of the commission with expertise in mental health facilities, appointed by the executive commissioner;
(4) a representative of the Texas Higher Education Coordinating Board, appointed by the commissioner of the coordinating board;
(5) a representative of each nonprofit organization described by Section 113.0052(4) that is part of the consortium, designated by a majority of the members described by Subdivision (1);
(6) a representative of a hospital system in this state, designated by a majority of the members described by Subdivision (1); and
(7) any other representative designated:
(A) under Subsection (b); or
(B) by a majority of the members described by Subdivision (1) at the request of the executive committee.
(b) The president of each of the health-related institutions of higher education listed in Section 113.0052(1) may designate a representative to serve on the executive committee.
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Sec. 39.0103. PRESIDING OFFICER. The executive committee shall elect a presiding officer from among the membership of the executive committee.

Sec. 39.0104. STATEWIDE BEHAVIORAL HEALTH COORDINATING COUNCIL. The consortium shall designate a member of the executive committee to represent the consortium on the statewide behavioral health coordinating council.

Sec. 39.0105. GENERAL DUTIES. The executive committee shall:

- (1) coordinate the provision of funding to the health-related institutions of higher education listed in Section 39.052 to carry out the purposes of this chapter;
- (2) establish procedures and policies for the administration of funds under this chapter;
- (3) monitor funding and agreements entered into under this chapter to ensure recipients of funding comply with the terms and conditions of the funding and agreements; and
- (4) establish procedures to document compliance by executive committee members and staff with applicable laws governing conflicts of interest.

SUBCHAPTER D. ACCESS TO CARE

Sec. 39.0151. CHILD PSYCHIATRY ACCESS NETWORK AND TELEMEDICINE AND TELEHEALTH PROGRAMS. (a) The consortium shall establish a network of comprehensive child psychiatry access centers. A center established under this section shall:

- (1) be located at a health-related institution of higher education listed in Section 39.052; and
- (2) provide consultation services and training opportunities for *non-physician mental health professionals employed under Section 8.152*, pediatricians, and primary care

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providers operating in the center's geographic region to better care for children and youth with behavioral health needs.

(b) The consortium shall establish or expand telemedicine or telehealth programs for identifying and assessing behavioral health needs and providing access to mental health care services. The consortium shall implement this subsection with a focus on the behavioral health needs of at-risk children and adolescents.

(c) A health-related institution of higher education listed in Section 39.052 may enter into a memorandum of understanding with a community mental health provider to:

(1) establish a center under Subsection (a); or

(2) establish or expand a program under Subsection (b).

(d) The consortium shall leverage the resources of a hospital system under Subsection (a) or (b) if the hospital system:

(1) provides consultation services and training opportunities for *non-physician mental health professionals employed under Section 8.152*, pediatricians, and primary care providers that are consistent with those described by Subsection (a); and

(2) has an existing telemedicine or telehealth program for identifying and assessing the behavioral health needs of and providing access to mental health care services for children and adolescents.

Sec. 39.0152. CONSENT REQUIRED FOR SERVICES TO MINOR. (a) A person may provide mental health care services to a child younger than 18 years of age through a program established under this subchapter only if the person obtains the written consent of the parent or legal guardian of the child.

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pediatricians and primary care providers operating in the center's geographic region to better care for children and youth with behavioral health needs.

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(c) A health-related institution of higher education listed in Section 113.0052(1) may enter into a memorandum of understanding with a community mental health provider to:

(1) establish a center under Subsection (a); or

(2) establish or expand a program under Subsection (b).

(d) The consortium shall leverage the resources of a hospital system under Subsection (a) or (b) if the hospital system:

(1) provides consultation services and training opportunities for pediatricians and primary care providers that are consistent with those described by Subsection (a); and

(2) has an existing telemedicine or telehealth program for identifying and assessing the behavioral health needs of and providing access to mental health care services for children and adolescents.

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(b) The consortium shall develop and post on its Internet website a model form for a parent or legal guardian to provide consent under this section.

(c) This section does not apply to services provided by a school counselor in accordance with Section 33.05, 33.06, or 33.07, Education Code.

Sec. 39.0153. REIMBURSEMENT FOR SERVICES. A child psychiatry access center established under Section 39.0151(a) may not submit an insurance claim or charge a pediatrician or primary care provider a fee for providing consultation services or training opportunities under *that section*.

SUBCHAPTER E. CHILD MENTAL HEALTH WORKFORCE

Sec. 39.0201. CHILD PSYCHIATRY WORKFORCE EXPANSION. (a) The executive committee may provide funding to a health-related institution of higher education listed in Section 39.052 for the purpose of funding:

(1) two full-time psychiatrists who treat children and adolescents to serve as academic medical director at a facility operated by a community mental health provider; and

(2) two new resident rotation positions.

(b) An academic medical director described by Subsection (a) shall collaborate and coordinate with a community mental health provider to expand the amount and availability of mental health care resources by developing training opportunities for residents and supervising residents at a facility operated by the community mental health provider.

(c) An institution of higher education that receives funding under Subsection (a) shall require that psychiatric residents participate in rotations through the facility operated by the

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(b) The consortium shall develop and post on its Internet website a model form for a parent or legal guardian to provide consent under this section.

(c) This section does not apply to services provided by a school counselor in accordance with Section 33.005, 33.006, or 33.007, Education Code.

Sec. 113.0153. REIMBURSEMENT FOR SERVICES. A child psychiatry access center established under Section 113.0151(a) may not submit an insurance claim or charge a pediatrician or primary care provider a fee for providing consultation services or training opportunities under *this section*.

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(b) An academic medical director described by Subsection (a) shall collaborate and coordinate with a community mental health provider to expand the amount and availability of mental health care resources by developing training opportunities for residents and supervising residents at a facility operated by the community mental health provider.

(c) An institution of higher education that receives funding under Subsection (a) shall require that psychiatric residents participate in rotations through the facility operated by the

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community mental health provider in accordance with Subsection (b).

Sec. 39.0202. CHILD AND ADOLESCENT PSYCHIATRY FELLOWSHIP. (a) The executive committee may provide funding to a health-related institution of higher education listed in Section 39.052 for the purpose of funding a physician fellowship position that will lead to a medical specialty in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents.

(b) The funding provided to a health-related institution of higher education under this section must be used to increase the number of fellowship positions at the institution and may not be used to replace existing funding for the institution.

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Sec. 39.0251. BIENNIAL REPORT. Not later than December 1 of each even-numbered year, the consortium shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health issues and post on its Internet website a written report that outlines:

- (1) the activities and objectives of the consortium;
- (2) the health-related institutions of higher education listed in Section 39.052 that receive funding by the executive committee; and
- (3) any legislative recommendations based on the activities and objectives described by Subdivision (1).

Sec. 39.0252. APPROPRIATION CONTINGENCY. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. If the legislature does not

community mental health provider in accordance with Subsection (b).

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(b) The funding provided to a health-related institution of higher education under this section must be used to increase the number of fellowship positions at the institution and may not be used to replace existing funding for the institution.

SUBCHAPTER F. MISCELLANEOUS PROVISIONS

Sec. 113.0251. BIENNIAL REPORT. Not later than December 1 of each even-numbered year, the consortium shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committee of each house of the legislature with primary jurisdiction over behavioral health issues and post on its Internet website a written report that outlines:

- (1) the activities and objectives of the consortium;
- (2) the health-related institutions of higher education listed in Section 113.0052(1) that receive funding by the executive committee; and
- (3) any legislative recommendations based on the activities and objectives described by Subdivision (1).

Sec. 113.0252. APPROPRIATION CONTINGENCY. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. If the legislature does not

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SECTION 19. Chapter 61, Education Code, is amended by adding Subchapter LL to read as follows:

SUBCHAPTER LL. REPAYMENT OF CERTAIN SCHOOL COUNSELOR EDUCATION LOANS

Sec. 61.9851. LOAN REPAYMENT ASSISTANCE AUTHORIZED. The board shall provide, in accordance with this subchapter and board rules, assistance in the repayment of eligible student loans for eligible school counselors who apply and qualify for the assistance.

Sec. 61.9852. ELIGIBILITY. To be eligible to receive loan repayment assistance under this subchapter, a school counselor must:

- (1) apply annually for the repayment assistance in a manner prescribed by the board;
- (2) be a United States citizen or permanent resident alien;
- (3) have earned at least a master's degree related to counseling from any public or accredited private institution of higher education;
- (4) be:
 - (A) certified as a school counselor under Subchapter B, Chapter 21; or
 - (B) licensed as a specialist in school psychology under Section 501.260, Occupations Code; and
- (5) have completed one, two, three, four, or five years of consecutive employment by a school district or open-enrollment charter school in this state:
 - (A) all or part of which is located in a federally designated mental health care health professional shortage area; or

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appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this chapter.

No equivalent provision.

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appropriate money specifically for that purpose, the consortium may, but is not required to, implement a provision of this chapter.

Same as House version.

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(B) at a school that receives federal funding under Title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. Section 6301 et seq.).

Sec. 61.9853. LIMITATIONS. A school counselor may receive loan repayment assistance under this subchapter for not more than five years.

Sec. 61.9854. ELIGIBLE LOANS. (a) The board may provide loan repayment assistance under this subchapter for the repayment of any student loan for education at an institution of higher education, a private or independent institution of higher education, or a public or private out-of-state institution of higher education accredited by a recognized accrediting agency, including loans for undergraduate education, received by an eligible person through any lender.

(b) The board may not provide repayment assistance for a student loan that is in default at the time of the person's application.

(c) In each state fiscal biennium, the board shall attempt to allocate all funds appropriated to the board for the purpose of providing loan repayment assistance under this subchapter.

Sec. 61.9855. REPAYMENT. (a) The board shall deliver any repayment under this subchapter in a lump sum payable:

(1) to both the lender or other holder of the loan and the school counselor; or

(2) directly to the lender or other holder of the loan on the school counselor's behalf.

(b) A repayment under this subchapter may be applied to any amount due in connection with the loan.

Sec. 61.9856. AMOUNT OF REPAYMENT ASSISTANCE. (a) A school counselor may receive loan

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repayment assistance under this subchapter for each year the school counselor establishes eligibility for the assistance in an amount determined by applying the following applicable percentage to the maximum total amount of assistance allowed for the school counselor under Subsection (b):

- (1) for the first year, 10 percent;
- (2) for the second year, 15 percent;
- (3) for the third year, 20 percent;
- (4) for the fourth year, 25 percent; and
- (5) for the fifth year, 30 percent.

(b) The total amount of repayment assistance received by a school counselor under this subchapter may not exceed:

- (1) \$80,000, for assistance received by a school counselor who holds a doctoral degree related to counseling; and
- (2) \$40,000, for assistance received by a school counselor who holds a master's degree related to counseling.

(c) The total amount of loan repayment assistance provided under this subchapter may not exceed the sum of:

- (1) the total amount of gifts and grants accepted by the board for the repayment assistance;
- (2) legislative appropriations for the repayment assistance; and
- (3) other funds available to the board for the repayment assistance.

(d) The board may adjust in an equitable manner the distribution amounts that school counselors would otherwise receive under Subsection (a) for a year as necessary to comply with Subsection (c).

Sec. 61.9857. RULES; ADMINISTRATION. (a) The board shall adopt rules necessary to administer this subchapter.

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(b) The board shall distribute to each institution of higher education or private or independent institution of higher education and to any appropriate state agency and professional association copies of the rules adopted under this section and other pertinent information relating to this subchapter.

(c) The board shall administer the program under this subchapter in a manner that maximizes any matching funds available through other sources.

Sec. 61.9858. SOLICITATION AND ACCEPTANCE OF FUNDS. The board may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

SECTION 20. Section 161.325(d), Health and Safety Code, is amended.

No equivalent provision.

SECTION 22. Same as Senate version.

SECTION 23. Section 1701.263(b), Occupations Code, is amended to read as follows:

(b) The commission by rule shall require a school district peace officer or a school resource officer who is commissioned by or who provides law enforcement at a school district ~~[with an enrollment of 30,000 or more students]~~ to successfully complete an education and training program described by this section before or within 180 ~~[120]~~ days of the officer's commission by or placement in the district or a campus of the district. The program must:

- (1) consist of at least 16 hours of training;
- (2) be approved by the commission; and
- (3) provide training in accordance with the curriculum developed under Section 1701.262 in each subject area listed in Subsection (c) of that section.

SECTION 23. Same as Senate version.

SECTION 24. Same as House version.

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SECTION 21. From funds appropriated for that purpose, the commissioner of education shall establish and administer a grant program to award grants to local education agencies to improve and maintain student and school safety.

SECTION 22. Not later than January 1, 2020:

- (1) the Texas School Safety Center shall:
 - (A) develop a list of best practices for ensuring the safety of public school students receiving instruction in portable buildings; and
 - (B) provide information regarding the list of best practices to school districts using portable buildings for student instruction;
- (2) the commissioner of education shall adopt or amend rules as required by Section 7.061, Education Code, as added by this Act; and
- (3) the commissioner of education, in consultation with the Texas School Safety Center and the state fire marshal, shall adopt rules as required by Section 37.114, Education Code, as added by this Act.

No equivalent provision.

HOUSE VERSION (IE)

No equivalent provision.

SECTION 24. Same as Senate version.

SECTION __. (a) Not later than December 1, 2019, the Texas Education Agency shall develop and distribute to each regional education service center the rubric required by Section 38.251, Education Code, as added by this Act.

(b) Not later than March 1, 2020:

- (1) each regional education service center shall complete the regional inventory of mental health resources required by Section 38.252, Education Code, as added by this Act, and report to the Texas Education Agency on the resources identified through the inventory; and

CONFERENCE

SECTION 25. Same as Senate version.

SECTION 26. Same as Senate version.

SECTION 27. Same as House version.

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HOUSE VERSION (IE)

CONFERENCE

(2) the Texas Education Agency shall complete the statewide inventory of mental health resources required by Section 38.253, Education Code, as added by this Act, and develop a list of resources available to school districts statewide to address the mental health of students.

(c) Not later than April 1, 2020, the Texas Education Agency shall develop the statewide plan for student mental health required by Section 38.254, Education Code, as added by this Act, submit an electronic copy of the plan to the legislature, and post the plan on the agency's Internet website. [FA8]

No equivalent provision.

SECTION __. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission, the commissioner of the Texas Higher Education Coordinating Board, and the members of the executive committee described by **Section 39.0101(a)(1), Education Code**, as added by this Act, shall make the appointments and designations required by Section 39.0101, Education Code, as added by this Act. [FA8,FA9(3)]

SECTION 28. Substantially the same as the House version.

No equivalent provision.

SECTION 25. (a) Notwithstanding Section 1701.263(b), Occupations Code, as amended by this Act, a school district peace officer or school resource officer who commences employment with or commences providing law enforcement at a school district with an enrollment of fewer than 30,000 students on a date occurring before September 1, 2019, shall complete the training required by Section 1701.263, Occupations Code, as amended by this Act, as soon as practicable and not later than August 31, 2020. This subsection does not apply to an officer who is exempt from

SECTION 29. Same as House version.

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HOUSE VERSION (IE)

CONFERENCE

the training established under Section 1701.263, Occupations Code, as amended by this Act, because the officer has completed the training described by Subsection (b-1) of that section.
(b) Not later than October 1, 2019, a school district with an enrollment of fewer than 30,000 students shall adopt the training policy for school district peace officers and school resource officers required by Section 37.0812, Education Code, as amended by this Act.

SECTION 26. (a) *Except as provided by Subsection (b) of this section, Sections 28.002 and 28.004*, Education Code, as *amended* by this Act, apply beginning with the 2019-2020 school year. [FA3(3)]

(b) *Sections 12.104(b)(2)(T) and 28.004(q) and (r), Education Code, as added by this Act, and Section 28.004(c)(3)*, Education Code, as amended by this Act, *apply* beginning with the *2020-2021* school year.

SECTION 27. Same as Senate version.

SECTION 28. Same as Senate version.

SECTION 23. *Section 28.002(z)*, Education Code, as *added* by this Act, applies beginning with the 2019-2020 school year.
(See SECTION 24 below.)

SECTION 24. *Section 28.004*, Education Code, as amended by this Act, *applies* beginning with the *2019-2020* school year.

SECTION 25. The Texas Education Agency and the Texas School Safety Center are required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Education Agency or the Texas School Safety Center may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 26. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session,

SECTION 30. *Sections 28.002 and 28.004(c)*, Education Code, as amended by this Act, apply beginning with the 2019-2020 school year.

(See SECTION 30 above.)

SECTION 31. Same as Senate version.

SECTION 32. Same as Senate version.

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2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 27. Effective date.

HOUSE VERSION (IE)

SECTION 29. Same as Senate version.

CONFERENCE

SECTION 33. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB11 by Taylor (Relating to policies, procedures, and measures for school safety and mental health promotion in public schools and the creation of the Texas Child Mental Health Care Consortium.), **Conference Committee Report**

Estimated Two-year Net Impact to General Revenue Related Funds for SB11, Conference Committee Report: a negative impact of (\$109,698,948) through the biennium ending August 31, 2021.

This analysis assumes that the school safety allotment would be set at \$9.72 per student in average daily attendance. However, costs associated with the allotment could be higher or lower, depending on the allotment amount established by appropriation.

Depending on the amount of funding distributed by the Consortium's executive committee to health-related institutions of higher education for expanding the mental health workforce and for psychiatric fellowships, there would be some fiscal impact to the state. The consortium is required to implement a provision of this chapter only if the legislature appropriates money specifically for that purpose. The Conference Committee Report for House Bill 1 includes \$99.0 million in General Revenue in the 2020-21 biennium for this purpose. Costs relating to the consortium are not included in the tables reflected below.

Provisions of the bill related to Junior Colleges are expected to have costs. However, these costs cannot be determined at this time.

Entities would be required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, those entities may, but would not be required to, implement a provision of this Act using other appropriations available for that purpose.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$54,447,545)
2021	(\$55,251,403)
2022	(\$56,140,560)
2023	(\$56,797,074)
2024	(\$57,492,431)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Foundation School Fund 193	Change in Number of State Employees from FY 2019
2020	(\$4,774,630)	(\$49,672,915)	26.0
2021	(\$4,924,318)	(\$50,327,085)	26.0
2022	(\$5,150,690)	(\$50,989,870)	26.0
2023	(\$5,135,690)	(\$51,661,384)	26.0
2024	(\$5,150,690)	(\$52,341,741)	26.0

Fiscal Analysis

The bill would establish various new programs and requirements related to improving public school safety and student mental health.

Texas Education Agency and Local Education Agencies

A school board that receives notice of noncompliance with the Texas School Safety Center's (TSSC) audit findings and fails to correct plan deficiencies within six months of notification would be required to hold a public hearing to notify the public of information related to its noncompliance. The Commissioner of Education would be empowered to appoint a conservator to a district that fails to submit a multihazard emergency operations plan. The Commissioner could appoint a board of managers if a district fails to comply with a conservator's order to submit a multihazard emergency operations plan.

The multi-hazard emergency operations plan for school districts and junior colleges would have to incorporate emergency response protocols, including training for employees and measures to ensure communication access to emergency services.

The bill would require the Commissioner of Education to adopt rules on building standards for school district and charter school facilities related to school safety and security.

Each school district would be required to implement a policy of trauma-informed practices into each school environment. This would include training for new employees and staff development. Classroom teacher continuing education requirements would have to include trauma-informed care-based training.

The bill would require the Commissioner of Education to adopt rules on building standards for school district and charter school facilities related to school safety and security. The

Commissioner of Education would be required to adopt rules governing evacuation and lockdown rules, in conjunction with the School Safety Center and the State Fire Marshal.

A school district receiving a bomb or terroristic threat to a campus or district facility would be required to notify parents as soon as possible. School districts would also be required to establish threat assessment teams to determine appropriate intervention measures when an individual makes threats or exhibits threatening behavior on a campus and the bill would establish guidelines for the operations of those teams. The TSSC would develop model policies and procedures to assist school district in establishing and training of threat assessment teams.

The bill would establish a school safety allotment provided by appropriation for each student in average daily attendance. Funds from the new allotment would have to be used for securing facilities, providing security, and school safety training and planning.

The Texas School Safety Center

Under the provisions of the bill, the Texas School Safety Center (TSSC) would be required to audit school districts and report findings to TEA. The TSSC would be required to establish a random need-based cycle for the center's review and approval of school district and public junior college district multihazard emergency operations plans. The TSSC could require a district to submit its multihazard emergency operations plan for immediate review if the district's audit results indicate that the district is not complying with applicable standards. A school district or public junior college district would be required to submit its multihazard emergency operations plan to the center on request of the center. The bill would also require the School Safety Center to develop a list of best practices related to the security of portable buildings.

The Texas Child Mental Health Care Consortium

The bill would establish the Texas Child Mental Health Care Consortium. The consortium would consist of thirteen health-related institutions of higher education (HRIs), the Health and Human Services Commission, the Higher Education Coordinating Board (THECB), at least three nonprofit organizations that focus on mental health care, and any other entity the executive committee of the consortium considers necessary. The consortium would be administratively attached to HECB for the purpose of receiving an appropriation. The THECB would not be not responsible for providing to the consortium staff, human resources, contract monitoring, purchasing or any other administrative support services.

The consortium would establish a network of comprehensive child psychiatry access centers at the member HRIs. A center shall provide consultation services and training opportunities for pediatricians and primary care providers in the center's geographic area to help them better care for children and youth with behavioral needs. The consortium would develop and post on its website a consent form for parents or guardians to sign on behalf of children under 18 years old.

The consortium would also establish or expand telemedicine or tele-health programs at the member HRIs for identifying and assessing behavioral health needs and providing access to mental health services, with a focus on the behavioral health needs of at-risk children and adolescents.

In carrying out these responsibilities, the consortium would leverage the resources of a hospital system if the hospital system provides consultation services and training opportunities for pediatricians and primary care providers that are consistent with the consultation and training requirements of the child psychiatry access centers and if the hospital system has an existing

telemedicine or tele-health program for identifying, assessing, and providing services for the behavioral and mental health needs of children and adolescents.

The consortium's executive committee may provide funding to a member HRI for a full-time psychiatrist to serve as academic medical director at a facility operated by a community mental health provider and two new resident rotation positions.

The executive committee may provide funding to a member HRI for a physician fellowship position that would lead to a medical specialty in the diagnosis and treatment of psychiatric and associated behavioral health issues affecting children and adolescents. This funding would increase a member HRI's fellowship positions and not be used to replace existing funding for the institution.

Effective Date

The bill would take effect September 1, 2019.

Methodology

The Texas Education Agency

This analysis assumes that the School Safety Allotment would provide an annual allotment of \$9.72 for each student in average daily attendance (ADA). Based on statewide ADA estimates of 5,110,382 in fiscal year 2020 and 5,177,683 in fiscal year 2021, such an allotment is estimated to cost \$49.7 million in fiscal year 2020, \$50.3 million in fiscal year 2021, growing to \$52.3 million in fiscal year 2024. Costs associated with the allotment could be higher or lower, depending on the amount established by appropriation.

This analysis assumes that 1.0 FTE would be required to implement the provisions of the bill related to TEA. Costs associated with this FTE, including salary, benefits, and other expenses, would total \$200,428 in the biennium.

The agency estimates that a total of approximately \$265,443 in professional services IT costs would be required in the 2020-2021 biennium to update TSDS PEIMS.

The agency's cost estimate to implement the bill's requirements in the FSP system is \$81,933 in the biennium. The agency estimates that \$20,000 in fiscal year 2020 would be required for a consultant to help develop facility safety standards. Taken together, these administrative costs would total \$209,058 in fiscal year 2020 and \$358,746 in fiscal year 2021.

The Texas School Safety Center

Based on information provided by Texas State University, it is projected that an additional 25 positions would be needed to meet the existing deliverables of the Texas State School Safety Center at an increased level (training, research, technical assistance), as well as to meet the additional deliverables outlined in this bill. These additional deliverables include staff to review and approve school district, charter, and community college emergency operations plans, as well as validation and maintenance of the school safety registry. The University estimates costs associated with these additional FTEs, as well as travel, and other operating expenses, to be approximately \$4.6 million beginning in fiscal year 2020 and increasing slightly to \$5.0 million by fiscal year 2024.

Junior Colleges

According to the Texas Association of Community Colleges, several institutions could see increased costs due to the bill's requirements that telephone and electronic communication devices be available to district employees. However, these costs cannot be determined at this time.

The Texas Child Mental Health Care Consortium

The cost, timing, and institutional recipients of the funding authorized by the bill are not known. Costs of the funding may vary depending on the size, infrastructure, and existing resources of the member institutions.

Local Government Impact

School districts are likely to see increased costs resulting from several of the bill's provisions, including the bill's requirements that districts comply with TSSC noncompliance findings. These include the following requirements:

- Adoption of trauma-informed care policies and training.
- Compliance with new facilities standards and any findings of noncompliance by the TSSC.
- Updates to school districts' multi-hazard emergency operations plans.
- Notification requirements and threat assessment teams.
- Providing access to emergency communications to campus staff.

Increased funding through the school safety allotment would offset these costs.

Charter schools could see increased costs related to compliance with various school safety provisions included in the bill.

Source Agencies: 300 Trusteed Programs Within the Office of the Governor, 454 Department of Insurance, 529 Health and Human Services Commission, 537 State Health Services, Department of, 701 Texas Education Agency, 758 Texas State University System, 781 Higher Education Coordinating Board

LBB Staff: WP, THo, JSm, HL, AM, AH, GO, CPa