

SUBJECT: Providing TEA authority to collect certain data for mental health report

COMMITTEE: Public Education — committee substitute recommended

VOTE: 12 ayes — Dutton, Lozano, Allen, Allison, K. Bell, Bernal, Buckley,
Huberty, K. King, Meza, Talarico, VanDeaver

0 nays

1 absent — M. González

WITNESSES: For — Jamie Freeny and Annalee Gulley, Mental Health America of Greater Houston; Amanda Afifi, Texas Association of School Psychologists; Michael Webb, Tomball ISD; (*Registered, but did not testify*: Jason Sabo, Children at Risk; Steven Aleman, Disability Rights Texas; Chloe Latham Sikes, Intercultural Development Research Association; Meaghan Read, Mental Health America of Greater Dallas; Rebecca Fowler, Mental Health America of Greater Houston; Myra Leo, Methodist Healthcare Ministries; Greg Hansch and Ana O'Quin, National Alliance on Mental Illness-Texas; Alison Mohr Boleware, National Association of Social Workers Texas Chapter; Grover Campbell, TASB; Josette Saxton, Texans Care for Children; Dena Donaldson, Texas AFT; Barry Haenisch, Texas Association of Community Schools; Amy Beneski, Texas Association of School Administrators; Kristin McGuire, Texas Council of Administrators of Special Education; Jan Friese, Texas Counseling Association; Alycia Castillo, Texas Criminal Justice Coalition; Mark Terry, Texas Elementary Principals and Supervisors Association; Suzi Kennon, Texas PTA; Michelle Wittenburg, Texas Public Charter Schools Association; Carrie Griffith, Texas State Teachers Association; Molly Weiner, United Ways of Texas; Linda De Sosa)

Against — None

On — Lee Spiller, Citizens Commission on Human Rights; (*Registered, but did not testify*: Melody Parrish, Texas Education Agency)

BACKGROUND: Education Code sec. 38.302 establishes the Collaborative Task Force on Public School Mental Health Services to study and evaluate mental health services funded by the state and provided at a school district or open-enrollment charter school, mental health services training for educators, and the impact of mental health services on violence and suicide in schools, among other responsibilities.

Some have suggested that the Texas Education Agency lacks the statutory authority to collect certain data required by reports to the Collaborative Task Force on Public School Mental Health Services.

DIGEST: CSHB 2287 would allow the Collaborative Task Force on Public School Mental Health Services, or the Texas Education Agency (TEA) on behalf of the task force, to request data from or consult with:

- school districts;
- open-enrollment charter schools;
- regional education service centers;
- local mental health authorities; and
- other entities that possess information relevant to the task force's duties.

In requesting data or consulting with permitted entities, the task force and agency could not disclose a student's medical or educational information and would have to ensure any request or consultation complied with required privacy and confidentiality of student information.

Compliance. By the 60th business day after the date on which an entity received a request for data from the task force or TEA, the entity would have to provide the requested data. An entity providing data:

- could not include personally identifying information of an individual receiving a mental health service, including the individual's name or birthday; and
- could provide the data without seeking the prior authorization of the individual included in the data or of the individual's parent or

guardian, if the individual was a minor.

Liability. A person that disclosed data to the task force or TEA would be immune from civil or criminal liability for, and could not be subject to an administrative penalty in connection with, that disclosure.

Data. The task force would have to gather data on:

- the race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of certain individuals;
- mental health services and training provided annually by school districts, at both the campus and district level, and open-enrollment charter schools;
- the number of individuals who were placed in a disciplinary alternative education program or out-of-school suspension or expelled;
- the number of threat assessments conducted; and
- other relevant topics as determined by the task force.

The task force could consult with relevant experts and stakeholders, including classroom teachers, school counselors, school resource officers, school administrators, school nurses, licensed specialists in school psychology, licensed professional counselors, licensed clinical social workers, and non-physician mental health professionals.

In consulting with relevant experts and stakeholders, the task force could not disclose a student's medical or educational information. The task force could enter into agreements with institutions of higher education or other relevant entities as needed to execute its duties.

Reports to the task force. By January 31 of each calendar year, the Health and Human Services Commission would have to submit the required report on outcomes for school districts and students resulting from services provided by non-physician mental health professionals to the Collaborative Task Force on Public School Mental Health Services.

This provision would expire December 1, 2025.

By March 1 of each even-numbered year, each regional education service center would have to provide to the task force an electronic copy of the report submitted to TEA on mental health resources. This provision would expire December 1, 2025.

TEA would have to provide an electronic copy of the required list of statewide mental health resources to the task force as soon as practicable after the list was developed or revised. This provision would expire December 1, 2025.

To the extent of any conflict, this bill would prevail over another act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions and corrections in enacted codes.

The bill would take effect September 1, 2021.