

SUBJECT: Facilitating cooperation between entities involved with SHARS

COMMITTEE: Human Services — committee substitute recommended

VOTE: 7 ayes — Frank, Rose, Campos, Manuel, Noble, Ramos, Shaheen
2 nays — Hull, Klick

WITNESSES: For — Brenda Oates, North East ISD; Linda Litzinger, Texas Parent to Parent; Amy Litzinger (*Registered, but did not testify*: Tricia Cave, Association of Texas Professional Educators; Jacquie Benestante, Autism Society of Texas; Emily Blanco, Tabbatha Callaway, Ian Randolph, MSB School Services; John Hubbard, Texas Association of Rural Schools; Barry Haenisch, Texas Association of Community Schools; Whitney Broughton, Texas Association of School Boards; Andrea Chevalier, Texas Council of Administrators of Special Education; Carrie Moore, Texas Education 911 and County Citizens Defending Freedom; Mary Elizabeth Castle, Texas Values Action; Ashley Harris, United Ways of Texas)

Against — None

On — (*Registered, but did not testify*: Michelle Erwin, Megan Wolfe, Health and Human Services Commission)

BACKGROUND: Some have suggested that management of the school health and related services (SHARS) program could benefit from more cooperation between the Texas Education Agency (TEA), the Health and Human Services Commission (HHSC), and parents of eligible students.

DIGEST: **Parental consent.** For each student for whom a school district or open-enrollment charter school could request reimbursement under the SHARS program, HB 1238 would require the district or school to obtain written parental consent to disclose the student's personally identifiable information to the district or charter school, TEA, or HHSC, as necessary to administer the program.

The parent's written consent would have to be in a form that satisfied the requirements of the Family Educational Rights and Privacy Act of 1974. A school district or open-enrollment charter school would be required to provide a copy of a parent's written consent to TEA and HHSC to maintain records as necessary to administer the program.

Parental consent obtained for a school year would be sufficient for all program-related purposes of TEA or HHSC involving the use of a student's personally identifiable information for the remainder of the year. The school district or charter school, TEA, or HHSC could not require additional parental consent other than the written consent for a program-related purpose that did not involve the sharing of a student's personally identifiable information.

SHARS handbook. By July 1 of each year, HHSC would be required to publish an update to the SHARS handbook portion of the Texas Medicaid Provider Procedures Manual for providers of services to Medicaid recipients.

For at least 60 days before publishing an update to the SHARS handbook, the HHSC executive commissioner would be required to establish a procedure allowing the public to inspect and comment on proposed changes to the handbook. HHSC would be required to consult the advisory council established under the bill regarding any proposed changes to the handbook.

SHARS advisory council. The bill would establish an advisory council of the SHARS program composed of 13 members, including:

- one employee of TEA with administrative duties involving the program;
- two employees of HHSC with administrative duties involving the program;
- one superintendent or chief financial officer of a school district with a student enrollment of at least 5,000 students;
- one superintendent or chief financial officer of a school district that

- had fewer than 5,000 students in average daily attendance;
- one superintendent or chief financial officer of a school district that had fewer than 1,600 students in average daily attendance;
- one special education director employed by a school district with at least 5,000 students;
- one special education director employed by a school district that had fewer than 5,000 students in average daily attendance;
- one special education director employed by a school district that had fewer than 1,600 students in average daily attendance;
- two persons who were each a parent of a student eligible for reimbursement under the program;
- one member of an advocacy group for children with special needs; and
- one provider of special education services.

The education commissioner would appoint the TEA employee with administrative duties involving the program. The HHSC executive commissioner or their designee would appoint the remaining 12 members to the advisory council and designate one member as chair of the advisory council. Vacancies would be filled in the same manner as the original appointment.

Members of the advisory council would serve staggered four-year terms, with terms of six or seven members expiring on August 31 of each odd-numbered year. Members would be eligible for reappointment.

Members would serve without compensation but would be entitled to reimbursement for travel expenses.

The advisory council would advise TEA and HHSC regarding:

- implementing and administering the SHARS program;
- incorporating changes to federal law governing the program;
- publishing the SHARS handbook, including the adoption of potential amendments to the handbook; and

- any other issue involving the administration of the program or the publication of the handbook.

The HHSC executive commissioner could adopt rules as necessary to implement the bill.

Implementation. HHSC would be required to provide administrative support for the advisory council. Funding for the administrative and operational expenses of the advisory council would be provided by legislative appropriation made to the commission for that purpose.

HHSC would be required to publish the update to the SHARS handbook portion of the Texas Medicaid Provider Procedures Manual as soon as practicable and by October 1, 2023. HHSC would have to publish the update to the handbook by July 1 in 2024 and each subsequent year.

As soon as practicable and by October 1, 2023, the education commissioner and the HHSC executive commissioner would be required to appoint the members of the SHARS advisory council and would have to provide for staggered member terms.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2023.