

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 906
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Education
5/8/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Accountability measures are an important part of efforts to invest in school based mental health services. Programs provided by competitive state grants should be reviewed for their impacts, including challenges that arise, to ensure that Texas students are receiving effective support.

H.B. 906 creates the Collaborative Task Force on Public School Mental Health Services under the Texas Education Agency and directs it to evaluate the effectiveness of state-funded school mental health services. The Task Force will gather demographic data on students that receive mental health services in schools, and evaluate services and trainings with respect to their impacts on school safety. The Task Force is also directed to make recommendations to improve programs and expand access to school based mental health services. (Original Author's/Sponsor's Statement of Intent).

C.S.H.B. 906 amends current law relating to the establishment of a collaborative task force to study certain public school mental health services.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 38, Education Code, by adding Subchapter F, as follows:

SUBCHAPTER F. COLLABORATIVE TASK FORCE ON PUBLIC SCHOOL MENTAL HEALTH SERVICES

Sec. 38.301. DEFINITIONS. Defines "institution of higher education" and "task force" for purposes of this section.

Sec. 38.302. ESTABLISHMENT. Provides that the Collaborative Task Force on Public School Mental Health Services (task force) is established to study and evaluate:

(1) mental health services that are funded by this state and provided at a school district or open-enrollment charter school directly to:

(A) a student enrolled in the district or school;

(B) a parent or family member of or person standing in parental relation to a student enrolled in the district or school; or

(C) an employee of the district or school;

(2) training provided to an educator employed by the district or school to provide the mental health services described by Subdivision (1); and

(3) the impact the mental health services described by Subdivision (1) have on:

(A) the number of violent incidents that occur at school districts or open-enrollment charter schools;

(B) the suicide rate of the individuals who are provided the mental health services described by Subdivision (1);

(C) the number of public school students referred to the Department of Family and Protective Services for investigation services and the reasons for those referrals;

(D) the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573 (Emergency Detention), Health and Safety Code; and

(E) the number of public school students referred to outside counselors in accordance with Section 38.010 (Outside Counselors).

Sec. 38.303. MEMBERSHIP. (a) Provides that the task force is composed of:

(1) the commissioner of education (commissioner) or the commissioner's designee;

(2) the following additional members appointed by the commissioner:

(A) three parents of students who are enrolled in school districts or open-enrollment charter schools and receive the mental health services described by Section 38.302(1);

(B) one person who provides the mental health services described by Section 38.302(1) or the training described by Section 38.302(2) and who is:

(i) a licensed professional counselor, as defined by Section 503.002 (General Definitions), Occupations Code;

(ii) a licensed clinical social worker, as defined by Section 505.002 (Definitions), Occupations Code; or

(iii) a school counselor certified under Subchapter B (Certification of Educators), Chapter 21;

(C) one person who is a psychiatrist;

(D) two persons who are administrators of districts or schools that provide the mental health services described by Section 38.302(1) or the training described by Section 38.302(2);

(E) one person who is a member of a foundation that invests in the mental health services described by Section 38.302(1) or the training described by Section 38.302(2);

(F) one person who is an employee of an institution of higher education designated under Section 38.307; and

(G) one person who is a licensed specialist in school psychology, as defined by Section 501.002 (Definitions), Occupations Code; and

(3) for any other entity the task force considers necessary, one person appointed by the task force for each such entity.

(b) Requires appointments to the task force to be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

(c) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the task force.

Sec. 38.304. OFFICERS. (a) Provides that the commissioner is designated as the interim presiding officer for purposes of calling and conducting the initial meeting of the task force.

(b) Provides that the task force:

(1) is required to at its initial meeting select a presiding officer from among its members for the purpose of calling and conducting meetings; and

(2) is authorized to select an assistant presiding officer and a secretary from among its members.

Sec. 38.305. COMPENSATION; REIMBURSEMENT. Prohibits a member of the task force from receiving compensation or reimbursement for service on the task force.

Sec. 38.306. MEETINGS. (a) Requires the task force, after its initial meeting, to meet at least twice each year at a time and place determined by the presiding officer.

(b) Authorizes the task force to meet at other times the task force considers appropriate. Authorizes the presiding officer to call a meeting on the officer's own motion.

(c) Authorizes the task force to meet by teleconference.

Sec. 38.307. SUPPORT SERVICES FOR TASK FORCE. (a) Requires the commissioner to designate one institution of higher education with experience in evaluating mental health services to serve as the lead institution for the task force. Requires the institution designated under this subsection to provide faculty, staff, and administrative support services to the task force as determined necessary by the task force to administer this subchapter.

(b) Requires the commissioner to designate two institutions of higher education with experience in evaluating mental health services to assist the task force and the lead institution designated under Subsection (a) as determined necessary by the task force to administer this subchapter.

(c) Requires the commissioner, in making a designation under this section, to give preference to at least one predominantly black institution, as defined by 20 U.S.C. Section 1067q(c)(9).

(d) Requires the Texas Education Agency (TEA), a school district, or an open-enrollment charter school, on request of the task force, to provide information or other assistance to the task force.

(e) Requires TEA to maintain the data collected by the task force and the work product of the task force in accordance with:

(1) TEA's information security plan under Section 2054.133 (Information Security Plan), Government Code; and

(2) TEA's records retention schedule under Section 441.185 (Record Retention Schedules), Government Code.

Sec. 38.308. DUTIES OF TASK FORCE. Requires the task force to:

(1) gather data on:

(A) the number of students enrolled in each school district and open-enrollment charter school;

(B) the number of individuals to whom each school district or open-enrollment charter school provides the mental health services described by Section 38.302(1);

(C) the number of individuals for whom each school district or open-enrollment charter school has the resources to provide the mental health services described by Section 38.302(1);

(D) the number of individuals described by Paragraph (B) who are referred to an inpatient or outpatient mental health provider;

(E) the number of individuals who are transported from each school district or open-enrollment charter school for an emergency detention under Chapter 573, Health and Safety Code; and

(F) the race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of:

(i) individuals who are provided the mental health services described by Section 38.302(1);

(ii) individuals who are described by Paragraph (D); and

(iii) individuals who are described by Paragraph (E); and

(2) study, evaluate, and make recommendations regarding the mental health services described by Section 38.302(1), the training described by Section 38.302(2), and the impact of those mental health services, as described by Section 38.302(3), including addressing:

(A) the outcomes and the effectiveness of the services and training provided, including the outcomes and effectiveness of the service and training providers and the programs under which services and training are provided, in:

(i) improving student academic achievement and attendance;

(ii) reducing student disciplinary proceedings, suspensions, placements in a disciplinary alternative education program, and expulsions;

(iii) delivering prevention and intervention services to promote early mental health skills, including:

(a) building skills relating to managing emotions, establishing and maintaining positive relationships, and making responsible decisions;

(b) preventing substance abuse;

(c) preventing suicides;

(d) adhering to the purpose of the relevant program services or training;

(e) promoting trauma-informed practices;

(f) promoting a positive school climate, as defined by Section 161.325(a-3) (relating to the definition of "school climate"), Health and Safety Code, in the district or school; and

(g) improving physical and emotional safety and wellbeing in the district or school and reducing violence in the district or school;

(B) best practices for districts and schools in implementing the services or training;

(C) disparities in the race, ethnicity, gender, special education status, and geographic location of individuals receiving the services; and

(D) best practices to replicate the services or training for all districts and schools.

Sec. 38.309. **PRIVACY OF INFORMATION.** Requires the task force to ensure that data gathered, information studied, and evaluations conducted under this subchapter:

(1) comply with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information; and

(2) are prohibited from being be shared with a federal agency or state agency, including an institution of higher education, except as otherwise provided by this subchapter or other law.

Sec. 38.310. **REPORTS.** Requires the task force, not later than November 1 of each even-numbered year, to submit to the governor, the lieutenant governor, the speaker of the house of representatives, and TEA a report of the results of the task force's activities conducted under Section 38.308 and any recommendations for legislative or other action.

Sec. 38.311. **FUNDING; ADMINISTRATIVE COST RESTRICTION; GIFTS AND GRANTS.** (a) Authorizes the commissioner, of state funds allocated to TEA for public school mental health services, to provide not more than 10 percent for purposes of the task force established under this subchapter.

(b) Prohibits the task force from spending for the administration of the task force more than 10 percent of any money allocated to the task force for the purposes of this subchapter.

(c) Authorizes the task force to accept a gift or grant from a person other than the federal government.

Sec. 38.312. **EXPIRATION.** Provides that the task force is abolished and this subchapter expires December 1, 2025.

SECTION 2. Requires the commissioner, not later than October 1, 2019, to:

(1) appoint the members of the task force that are to be appointed by the commissioner, as required by Section 38.303, Education Code, as added by this Act; and

(2) designate the institutions of higher education to provide support services, as required by Section 38.307, Education Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2019.