

By: Talarico

H.B. No. 4083

A BILL TO BE ENTITLED

AN ACT

relating to the assignment of certain behavioral health professionals to a public school campus.

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

SECTION 1. Subchapter 2, Chapter 33, Education Code, is amended by adding Section 33.911 to read as follows:

Sec. 33.911. BEHAVIORAL HEALTH PROFESSIONAL. (a) In this section, "behavioral health professional" means:

(1) a licensed specialist in school psychology licensed under Chapter 501, Occupations Code;

(2) a licensed professional counselor licensed under Chapter 503, Occupations Code;

(3) a licensed clinical social worker licensed under Chapter 505, Occupations Code; or

(4) a school counselor with an appropriate certificate or permit issued under Subchapter B, Chapter 21.

(b) A school district with 400 or more students in average daily attendance shall assign one behavioral health professional for every 400 students in average daily attendance in the district.

(c) In addition to other duties, the duties of a behavioral health professional assigned under this section must include the following:

(1) assisting students in confidential counseling matters;

1 (2) providing students and parents the counseling
2 required by Section 28.025(b); or

3 (3) a combination of the duties described by
4 Subdivisions (1) and (2).

5 (d) A school district that requires a behavioral health
6 professional to provide students and parents the counseling
7 required by Section 28.025(b) must ensure the behavioral health
8 professional receives training in providing that counseling.

9 (e) A school counselor assigned under this section shall:

10 (1) fulfill the requirements of a school counselor
11 under Subchapter A;

12 (2) develop and administer personal graduation plans
13 under Section 28.0212; and

14 (3) review personal graduation plan options with each
15 student entering grade nine, as required by Section 28.02121(c).

16 (f) A behavioral health professional assigned under this
17 section must comply with guidelines concerning parental consent
18 adopted under Section 33.003 and may not consult with a student
19 without the permission of the student's parent or guardian unless:

20 (1) the safety of the student is at issue;

21 (2) the student is at risk of being involved in
22 domestic violence; or

23 (3) a court order allows or requires the consultation
24 without the permission.

25 (g) Before implementing a comprehensive and developmental
26 guidance and counseling program, a behavioral health professional
27 shall conduct a preview of the program for parents and guardians, as

1 required by Section 33.004(b).

2 (h) A school district may not require a behavioral health
3 professional assigned under this section to administer assessment
4 instruments or provide other assistance in connection with
5 assessment instruments, except that a school district may require
6 the behavioral health professional to engage in the interpretation
7 of data obtained from the administration of assessment instruments.

8 (i) A behavioral health professional assigned under this
9 section may serve more than one campus of the district provided the
10 ratio of students to behavioral health professionals does not
11 exceed 600 to 1. This subsection expires December 31, 2026.

12 (j) Beginning January 1, 2027, a behavioral health
13 professional assigned under this section may serve more than one
14 campus of the district provided the ratio of students to behavioral
15 health professionals does not exceed 520 to 1.

16 SECTION 2. A school district shall employ a behavioral
17 health professional, as required by Section 33.911, Education Code,
18 as added by this Act, as soon as practicable after the effective
19 date of this Act.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2021.