

By: Coleman, Farrar, Marquez, et al.

H.B. No. 1386

A BILL TO BE ENTITLED

AN ACT

relating to the public health threat presented by youth suicide.

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

SECTION 1. This Act is dedicated to every child who has fallen victim to severe emotional trauma.

SECTION 2. The legislature finds that:

(1) the United States Surgeon General's Report on Children's Mental Health estimates that one in five children and adolescents will experience a significant mental health problem during their school years;

(2) during elementary school years, children are in an ongoing developmental process where it is crucial that healthy mental and behavioral development be promoted and that a solid foundation in social-emotional skills and capacities be built;

(3) adolescence is a period of significant change, during which youth are faced with a myriad of pressures;

(4) the pressures facing youth during adolescence include pressures relating to adapting to bodily changes, succeeding academically, making college and career decisions, being accepted by peers, including pressure to engage in drugs, alcohol, and sex, measuring up to expectations of others, and coping with family and peer conflicts;

(5) increased levels of victimization also lead to increased levels of depression and anxiety and decreased levels of

1 self-esteem;

2 (6) emotional trauma and mental health issues, if left
3 unaddressed, can lead and have led to life-threatening violence and
4 suicide;

5 (7) suicide committed by youth continues to present a
6 public health threat that endangers the well-being of the youth of
7 the state;

8 (8) suicide is the third leading cause of death for
9 persons who are at least 15 years of age but younger than 25 years of
10 age and the sixth leading cause of death for persons who are at
11 least 5 years of age but younger than 15 years of age; and

12 (9) it is of the utmost importance to keep children and
13 adolescents mentally healthy and on a course to become mentally
14 healthy adults.

15 SECTION 3. Chapter 161, Health and Safety Code, is amended
16 by adding Subchapter O-1 to read as follows:

17 SUBCHAPTER O-1. EARLY MENTAL HEALTH INTERVENTION AND PREVENTION OF
18 YOUTH SUICIDE

19 Sec. 161.325. EARLY MENTAL HEALTH INTERVENTION AND SUICIDE
20 PREVENTION. (a) The department, in coordination with the Texas
21 Education Agency, shall provide and annually update a list of
22 recommended best practice-based early mental health intervention
23 and suicide prevention programs for implementation in public
24 elementary, junior high, middle, and high schools within the
25 general education setting. Each school district may select from
26 the list a program or programs appropriate for implementation in
27 the district.

1 (b) The programs on the list must include components that
2 provide for training counselors, teachers, nurses, administrators,
3 and other staff, as well as law enforcement officers and social
4 workers who regularly interact with students, to:

5 (1) recognize students at risk of committing suicide,
6 including students who are or may be the victims of or who engage in
7 bullying prohibited in accordance with Section 37.0832, Education
8 Code;

9 (2) recognize students displaying early warning signs
10 and a necessity for early mental health intervention, which warning
11 signs may include declining academic performance, depression,
12 anxiety, isolation, unexplained changes in sleep or eating habits,
13 and destructive behavior toward self and others; and

14 (3) intervene effectively with students described by
15 Subdivision (1) or (2) by providing notice and referral to a parent
16 or guardian so appropriate action, such as seeking mental health
17 services, may be taken by a parent or guardian.

18 (c) In developing the list of programs, the department and
19 the Texas Education Agency shall consider:

20 (1) any existing suicide prevention method developed
21 by a school district under Section 11.252(a)(3)(B) or
22 33.006(b)(1)(A), Education Code; and

23 (2) any Internet or online course or program developed
24 in this state or another state that is based on best practices
25 recognized by the Substance Abuse and Mental Health Services
26 Administration or the Suicide Prevention Resource Center.

27 (d) The board of trustees of each school district may adopt

1 a policy, including any necessary procedures, concerning early
2 mental health intervention and suicide prevention that:

3 (1) establishes a procedure for providing notice of a
4 necessity for early mental health intervention regarding a student
5 to a parent or guardian of the student within a reasonable amount of
6 time after the identification;

7 (2) establishes a procedure for providing notice of a
8 student identified as at risk of committing suicide to a parent or
9 guardian of the student within a reasonable amount of time after the
10 identification;

11 (3) establishes the actions to take to obtain
12 assistance, intervention, and notice to a parent or guardian in
13 response to the necessity for intervention; and

14 (4) sets out the available optional counseling
15 alternatives for a parent or guardian to consider when their child
16 is identified as possibly being in need of early mental health
17 intervention or suicide prevention.

18 (e) The policy and any necessary procedures adopted under
19 Subsection (d) must be included in:

20 (1) the annual student handbook; and

21 (2) the district improvement plan under Section
22 11.252, Education Code.

23 (f) The department may solicit and accept a gift, grant, or
24 donation from any source for purposes of this section.

25 (g) Not later than January 1, 2013, the department shall
26 submit a report to the legislature relating to the development of
27 the list of programs and the implementation in school districts of

1 selected programs. This subsection expires September 1, 2013.

2 (h) Nothing in this section is intended to interfere with
3 the rights of parents or guardians and the decision-making
4 regarding the best interest of the child. Policy and procedures
5 adopted in accordance with this section are intended to notify a
6 parent or guardian of a need for mental health intervention so that
7 a parent or guardian may take appropriate action. Nothing in this
8 Act shall be construed as giving school districts the authority to
9 prescribe medications; any and all medical decisions are to be made
10 by a parent or guardian of a student.

11 SECTION 4. Section 11.252(a), Education Code, is amended to
12 read as follows:

13 (a) Each school district shall have a district improvement
14 plan that is developed, evaluated, and revised annually, in
15 accordance with district policy, by the superintendent with the
16 assistance of the district-level committee established under
17 Section 11.251. The purpose of the district improvement plan is to
18 guide district and campus staff in the improvement of student
19 performance for all student groups in order to attain state
20 standards in respect to the student achievement indicators adopted
21 under Section 39.053. The district improvement plan must include
22 provisions for:

23 (1) a comprehensive needs assessment addressing
24 district student performance on the student achievement
25 indicators, and other appropriate measures of performance, that are
26 disaggregated by all student groups served by the district,
27 including categories of ethnicity, socioeconomic status, sex, and

1 populations served by special programs, including students in
2 special education programs under Subchapter A, Chapter 29;

3 (2) measurable district performance objectives for
4 all appropriate student achievement indicators for all student
5 populations, including students in special education programs
6 under Subchapter A, Chapter 29, and other measures of student
7 performance that may be identified through the comprehensive needs
8 assessment;

9 (3) strategies for improvement of student performance
10 that include:

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

13 (B) methods for addressing the needs of students
14 for special programs, including:

15 (i) ~~[such as]~~ suicide prevention programs,
16 in accordance with Subchapter O-1, Chapter 161, Health and Safety
17 Code, which includes a parental or guardian notification procedure;

18 (ii) ~~[]~~ conflict resolution programs;

19 (iii) ~~[]~~ violence prevention programs; and

20 (iv) ~~[]~~ dyslexia treatment programs;

21 (C) dropout reduction;

22 (D) integration of technology in instructional
23 and administrative programs;

24 (E) discipline management;

25 (F) staff development for professional staff of
26 the district;

27 (G) career education to assist students in

1 developing the knowledge, skills, and competencies necessary for a
2 broad range of career opportunities; and

3 (H) accelerated education;

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

7 (A) higher education admissions and financial
8 aid opportunities;

9 (B) the TEXAS grant program and the Teach for
10 Texas grant program established under Chapter 56;

11 (C) the need for students to make informed
12 curriculum choices to be prepared for success beyond high school;
13 and

14 (D) sources of information on higher education
15 admissions and financial aid;

16 (5) resources needed to implement identified
17 strategies;

18 (6) staff responsible for ensuring the accomplishment
19 of each strategy;

20 (7) timelines for ongoing monitoring of the
21 implementation of each improvement strategy; and

22 (8) formative evaluation criteria for determining
23 periodically whether strategies are resulting in intended
24 improvement of student performance.

25 SECTION 5. This Act applies beginning with the 2012-2013
26 school year.

27 SECTION 6. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2011.