

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Coleman, Farrar, Marquez, et al.

H.B. No. 1386

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the public health threat presented by youth suicide.

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

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

6 SECTION 2. The legislature finds that:

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

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

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

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

23 (5) increased levels of victimization also lead to  
24 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

H.B. No. 1386

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.



# ADOPTED

MAY 23 2011

By: Rodney Ellis

Letty Spaw  
Secretary of the Senate  
H.B. No. 1386

Substitute the following for \_\_\_ .B. No. \_\_\_ :

By: Antonio Navarrete

C.S. \_\_\_ .B. No. \_\_\_

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9 adolescents will experience a significant mental health problem  
10 during their school years;

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12 an ongoing developmental process where it is crucial that  
13 healthy mental and behavioral development be promoted and that a  
14 solid foundation in social-emotional skills and capacities be  
15 built;

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

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

24 (5) increased levels of victimization also lead to

1 increased levels of depression and anxiety and decreased levels  
2 of self-esteem;

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

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

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

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

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18 by adding Subchapter O-1 to read as follows:

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23 Education Agency, shall provide and annually update a list of  
24 recommended best practice-based early mental health intervention  
25 and suicide prevention programs for implementation in public  
26 elementary, junior high, middle, and high schools within the  
27 general education setting. Each school district may select from

1 the list a program or programs appropriate for implementation in  
2 the district.

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

8 (1) recognize students at risk of committing suicide,  
9 including students who are or may be the victims of or who  
10 engage in bullying;

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

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

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

23 (1) any existing suicide prevention method developed  
24 by a school district; and

25 (2) any Internet or online course or program  
26 developed in this state or another state that is based on best  
27 practices recognized by the Substance Abuse and Mental Health

1 Services Administration or the Suicide Prevention Resource  
2 Center.

3 (d) The board of trustees of each school district may  
4 adopt a policy concerning early mental health intervention and  
5 suicide prevention that:

6 (1) establishes a procedure for providing notice of a  
7 recommendation for early mental health intervention regarding a  
8 student to a parent or guardian of the student within a  
9 reasonable amount of time after the identification of early  
10 warning signs as described by Subsection (b) (2);

11 (2) establishes a procedure for providing notice of a  
12 student identified as at risk of committing suicide to a parent  
13 or guardian of the student within a reasonable amount of time  
14 after the identification of early warning signs as described by  
15 Subsection (b) (2);

16 (3) establishes that the district may develop a  
17 reporting mechanism and may designate at least one person to act  
18 as a liaison officer in the district for the purposes of  
19 identifying students in need of early mental health intervention  
20 or suicide prevention; and

21 (4) sets out available counseling alternatives for a  
22 parent or guardian to consider when their child is identified as  
23 possibly being in need of early mental health intervention or  
24 suicide prevention.

25 (e) The policy must prohibit the use without the prior  
26 consent of a student's parent or guardian of a medical screening  
27 of the student as part of the process of identifying whether the

1 student is possibly in need of early mental health intervention  
2 or suicide prevention.

3 (f) The policy and any necessary procedures adopted under  
4 Subsection (d) must be included in:

5 (1) the annual student handbook; and

6 (2) the district improvement plan under Section  
7 11.252, Education Code.

8 (g) The department may accept donations for purposes of  
9 this section from sources without a conflict of interest. The  
10 department may not accept donations for purposes of this section  
11 from an anonymous source.

12 (h) Not later than January 1, 2013, the department shall  
13 submit a report to the legislature relating to the development  
14 of the list of programs and the implementation in school  
15 districts of selected programs by school districts that choose  
16 to implement programs. This subsection expires September 1,  
17 2013.

18 (i) Nothing in this section is intended to interfere with  
19 the rights of parents or guardians and the decision-making  
20 regarding the best interest of the child. Policy and procedures  
21 adopted in accordance with this section are intended to notify a  
22 parent or guardian of a need for mental health intervention so  
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17 and populations served by special programs, including students  
18 in special education programs under Subchapter A, Chapter 29;

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20 all appropriate student achievement indicators for all student  
21 populations, including students in special education programs  
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23 performance that may be identified through the comprehensive  
24 needs assessment;

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1 needs of student groups not achieving their full potential;

2 (B) methods for addressing the needs of students  
3 for special programs, including:

4 (i) [~~such as~~] suicide prevention programs,  
5 in accordance with Subchapter 0-1, Chapter 161, Health and  
6 Safety Code, which includes a parental or guardian notification  
7 procedure;

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

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

10 (iv) [~~or~~] dyslexia treatment programs;

11 (C) dropout reduction;

12 (D) integration of technology in instructional  
13 and administrative programs;

14 (E) discipline management;

15 (F) staff development for professional staff of  
16 the district;

17 (G) career education to assist students in  
18 developing the knowledge, skills, and competencies necessary for  
19 a broad range of career opportunities; and

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22 high school, and high school students, those students' teachers  
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27 Texas grant program established under Chapter 56;

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15 SECTION 5. This Act applies beginning with the 2012-2013  
16 school year.

17 SECTION 6. This Act takes effect immediately if it  
18 receives a vote of two-thirds of all the members elected to each  
19 house, as provided by Section 39, Article III, Texas  
20 Constitution. If this Act does not receive the vote necessary  
21 for immediate effect, this Act takes effect September 1, 2011.



# ADOPTED

MAY 23 2011

FLOOR AMENDMENT NO. 1

*Lacey Spaw*  
Secretary of the Senate

BY: *Ruthcia VandePutte*

1 Amend H.B. No. 1386 by adding to the bill the following  
2 appropriately numbered SECTIONS and renumbering subsequent  
3 SECTIONS of the bill accordingly:

4 SECTION \_\_\_\_\_. Subsection (b), Section 21.003, Education  
5 Code, is amended to read as follows:

6 (b) Except as otherwise provided by this subsection, a [A]  
7 person may not be employed by a school district as an audiologist,  
8 occupational therapist, physical therapist, physician, nurse,  
9 school psychologist, associate school psychologist, marriage and  
10 family therapist, social worker, or speech language pathologist  
11 unless the person is licensed by the state agency that licenses that  
12 profession and~~[.—A person]~~ may perform specific services within  
13 those professions for a school district only if the person holds the  
14 appropriate credential from the appropriate state agency. As long  
15 as a person employed by a district before September 1, 2011, to  
16 perform marriage and family therapy, as defined by Section 502.002,  
17 Occupations Code, is employed by the same district, the person is  
18 not required to hold a license as a marriage and family therapist to  
19 perform marriage and family therapy with that district.

20 SECTION \_\_\_\_\_. Section 502.004, Occupations Code, is amended  
21 to read as follows:

22 Sec. 502.004. APPLICATION OF CHAPTER. This chapter does  
23 not apply to:

24 (1) the activities, within the scope of a person's  
25 employment, of a person employed to perform marriage and family  
26 therapy by a federal, state, county, or municipal agency or, except  
27 as provided by Section 21.003(b), Education Code, by a public or  
28 private educational institution~~[, if the activities are within the~~  
29 ~~scope of the person's employment];~~

1           (2) the activities of a student, intern, or trainee in  
2 marriage and family therapy in a recognized course of study in  
3 marriage and family therapy at an accredited institution of higher  
4 education or other training institution, if:

5                   (A) the activities } constitute a part of the  
6 course of study; and

7                   (B) the person is called a "marriage and family  
8 therapist intern" or similar title;

9           (3) the activities and services of a person licensed  
10 to practice another profession, including a physician, attorney,  
11 registered nurse, occupational therapist, psychologist, social  
12 worker, or licensed professional counselor; or

13           (4) the activities and services of a recognized  
14 religious practitioner, including a pastoral counselor or  
15 Christian Science practitioner recognized by the Church of Christ  
16 Scientist as registered and published in the Christian Science  
17 Journal, if the practitioner practices marriage and family therapy  
18 in a manner consistent with the laws of this state.

19           SECTION \_\_\_\_\_. As soon as practicable after the effective  
20 date of this Act, the State Board for Educator Certification shall  
21 propose rules for the administration of Subsection (b), Section  
22 21.003, Education Code, as amended by this Act.

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 25, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1386** by Coleman (Relating to the public health threat presented by youth suicide.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The Department of State Health Services and Texas Education Agency indicates any additional work as a result of the passage of the bill could be reasonably absorbed with current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of, 701 Central Education Agency

**LBB Staff:** JOB, RBI, LXH, CL, JGM, JF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on Education

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1386** by Coleman (Relating to the public health threat presented by youth suicide.),  
**Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The Department of State Health Services and Texas Education Agency indicates any additional work as a result of the passage of the bill could be reasonably absorbed with current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of, 701 Central Education Agency

**LBB Staff:** JOB, RBI, LXH, CL, JGM, JF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 16, 2011**

**TO:** Honorable Florence Shapiro, Chair, Senate Committee on Education

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1386** by Coleman (Relating to the public health threat presented by youth suicide.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The Department of State Health Services and Texas Education Agency indicates any additional work as a result of the passage of the bill could be reasonably absorbed with current resources.

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No significant fiscal implication to units of local government is anticipated.

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**LBB Staff:** JOB, LXH, CL, JGM, RBI, JF

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 9, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1386** by Coleman (relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, and bullying.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The Department of State Health Services and Texas Education Agency indicates any additional work as a result of the passage of the bill could be reasonably absorbed with current resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 537 State Health Services, Department of, 701 Central Education Agency

**LBB Staff:** JOB, CL, JGM, RBI, JF

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**April 19, 2011**

**TO:** Honorable Lois W. Kolkhorst, Chair, House Committee on Public Health

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1386** by Coleman (Relating to the public health threat presented by youth suicide and to the prevention of associated discrimination, harassment, bullying, and cyberbullying.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The Texas Education Agency anticipates that modifications to the Public Education Information Management System (PEIMS) would be needed in order to collect the new data elements required by the bill, but associated costs are not expected to be significant.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

The cost to update the local student information system (SIS) to collect the new data would vary by district to make modifications that were based on statutory requirements.

School districts would likely incur some administrative costs to collect and submit information on bullying. These costs would vary depending on the number of incidents requiring reporting.

School districts may experience some administrative costs to provide training regarding the prevention of harassment and discrimination, to develop policies that prohibit bullying, and to provide annual written notice of the policies. They may also experience some administrative costs related to handling requests to transfer perpetrators of bullying and to provide notices to parents and guardians of each student involved in a bullying incident.

**Source Agencies:** 537 State Health Services, Department of, 701 Central Education Agency

**LBB Staff:** JOB, CL, JGM, RBI