

BILL ANALYSIS

Senate Research Center

S.B. 460
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Higher Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

National prevalence estimates indicate that one in five children have a mental illness or addictive disorder, meaning that approximately one million Texas public school students are dealing with these issues on a daily basis. These illnesses can cause mild to significant impairment in home and school activities and can lead to school failure, disciplinary placements and juvenile justice involvement, and, in extreme cases, suicide.

In one study of disciplinary placements among Harris County school districts, special education students who were categorized as having an emotional disturbance were over four times more likely to be placed in a disciplinary alternative education program (DAEP) than the student population overall and more than two times more likely to be placed in a DAEP than the special education population overall.

Without training in how to recognize and appropriately respond to students with mental or emotional issues, teachers may inadvertently reinforce or escalate the very behavior they are trying to reduce. On the other hand, such training can help teachers better manage their classrooms and help link students and their families to needed services, either on-campus or in the community. While some school districts across Texas already require some level of training in this area for teachers and/or administrators, specific mental health training in educator preparation programs is not required.

S.B. 460 amends current law relating to training for public school teachers in the detection and education of students at risk for suicide or with other mental or emotional disorders and the inclusion of mental health concerns in coordinated school health efforts.

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 Section 74.151(e), Civil Practice and Remedies Code, as follows:

(e) Provides that, except as provided by this subsection, this section does not apply to a person whose negligent act or omission was a producing cause of the emergency for which care is being administered. Provides that this subsection does not apply to liability of a school district or district school officer or employee arising from an act or omission under a program or policy or procedure adopted under Subchapter O-1 (Early Mental Health Intervention and Prevention of Youth Suicide), Chapter 161, Health and Safety Code, other than liability arising from wilful or intentional misconduct. Makes a nonsubstantive change.

SECTION 2. Amends Section 21.044, Education Code, by adding Subsections (c-1) and (c-2), as follows:

(c-1) Requires that any minimum academic qualifications for a certificate specified under Subsection (a) (relating to requiring the State Board for Educator Certification

(board) to propose rules establishing the training requirements a person is required to accomplish to obtain a certificate, enter an internship, or enter an induction-year program) that require a person to possess a bachelor's degree also require the person to receive, as part of the training required to obtain that certificate, instruction in detection of students with mental or emotional disorders.

(c-2) Requires that the instruction under Subsection (c-1):

(1) be developed by a panel of experts in the diagnosis and treatment of mental or emotional disorders who are appointed by the board; and

(2) include information on:

(A) characteristics of the most prevalent mental or emotional disorders among children;

(B) identification of mental or emotional disorders;

(C) effective strategies for teaching and intervening with students with mental or emotional disorders, including de-escalation techniques and positive behavioral interventions and supports; and

(D) providing, in compliance with Section 38.010 (Outside Counselors), notice and referral to a parent or guardian of a student with a mental or emotional disorder so that the parent or guardian may take appropriate action such as seeking mental health services.

SECTION 3. Amends Section 28.004(c), Education Code, as follows:

(c) Provides that the local school health advisory council's duties include recommending:

(1) Makes no change to this subdivision;

(2) policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns through coordination of:

(A)-(C) Makes no change to these paragraphs;

(D) Makes a nonsubstantive change;

(E) Makes no change to this paragraph;

(F) school health services;

(G) counseling and guidance services;

(H) a safe and healthy school environment; and

(I) school employee wellness; and

(3)-(4) Makes no change to these subdivisions.

Makes nonsubstantive changes.

SECTION 4. Amends Section 161.325, Health and Safety Code, by adding Subsections (c-1) and (c-2), as follows:

(c-1) Requires each school district, except as otherwise provided by this subsection, to provide training described in the components set forth under Subsection (b) (relating to

requiring that the practice-based early mental health intervention and suicide prevention programs on the list include components that provide for training certain individuals who regularly interact with students) for teachers, counselors, principals, and all other appropriate personnel. Provides that a school district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. Authorizes a school district to implement a program on the list to satisfy the requirements of this subsection.

(c-2) Provides that if a school district provides the training under Subsection (c-1):

(1) a school district employee described under that subsection is required to participate in the training at least one time; and

(2) the school district is required to maintain records that include the name of each district employee who participated in the training.

SECTION 5. Amends Subchapter O-1, Chapter 161, Health and Safety Code, by adding Section 161.326, as follows:

Sec. 161.326. IMMUNITY. Provides that this subchapter does not:

(1) waive any immunity from liability of a school district or of district school officers or employees;

(2) create any liability for a cause of action against a school district or against district school officers or employees; or

(3) waive any immunity from liability under Section 74.151 (Liability for Emergency Care), Civil Practice and Remedies Code.

SECTION 6. Effective date: upon passage or September 1, 2013.