

AN ACT

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.

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

SECTION 1. Subsection (e), Section 74.151, Civil Practice and Remedies Code, is amended to read as follows:

(e) Except as provided by this subsection, this ~~[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. 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, Chapter 161, Health and Safety Code, other than liability arising from wilful or intentional misconduct.

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

(c-1) Any minimum academic qualifications for a certificate specified under Subsection (a) that require a person to possess a bachelor's degree must also require that the person receive, as part of the training required to obtain that certificate, instruction in detection of students with mental or emotional disorders.

1 (c-2) The instruction under Subsection (c-1) must:

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

5 (2) include information on:

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

8 (B) identification of mental or emotional
9 disorders;

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

14 (D) providing, in compliance with Section
15 38.010, notice and referral to a parent or guardian of a student
16 with a mental or emotional disorder so that the parent or guardian
17 may take appropriate action such as seeking mental health services.

18 SECTION 3. Subsection (c), Section 28.004, Education Code,
19 is amended to read as follows:

20 (c) The local school health advisory council's duties
21 include recommending:

22 (1) the number of hours of instruction to be provided
23 in health education;

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

- 1 (A) health education;
- 2 (B) physical education and physical activity;
- 3 (C) nutrition services;
- 4 (D) parental involvement; ~~and~~
- 5 (E) instruction to prevent the use of tobacco;
- 6 (F) school health services;
- 7 (G) counseling and guidance services;
- 8 (H) a safe and healthy school environment; and
- 9 (I) school employee wellness;

10 (3) appropriate grade levels and methods of
11 instruction for human sexuality instruction; and

12 (4) strategies for integrating the curriculum
13 components specified by Subdivision (2) with the following elements
14 in a coordinated school health program for the district:

- 15 (A) school health services;
- 16 (B) counseling and guidance services;
- 17 (C) a safe and healthy school environment; and
- 18 (D) school employee wellness.

19 SECTION 4. Section 161.325, Health and Safety Code, is
20 amended by adding Subsections (c-1) and (c-2) to read as follows:

21 (c-1) Except as otherwise provided by this subsection, each
22 school district shall provide training described in the components
23 set forth under Subsection (b) for teachers, counselors,
24 principals, and all other appropriate personnel. A school district
25 is required to provide the training at an elementary school campus
26 only to the extent that sufficient funding and programs are
27 available. A school district may implement a program on the list to

1 satisfy the requirements of this subsection.

2 (c-2) If a school district provides the training under
3 Subsection (c-1):

4 (1) a school district employee described under that
5 subsection must participate in the training at least one time; and

6 (2) the school district shall maintain records that
7 include the name of each district employee who participated in the
8 training.

9 SECTION 5. Subchapter O-1, Chapter 161, Health and Safety
10 Code, is amended by adding Section 161.326 to read as follows:

11 Sec. 161.326. IMMUNITY. This subchapter does not:

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

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

17 (3) waive any immunity from liability under Section
18 74.151, Civil Practice and Remedies Code.

19 SECTION 6. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 460 passed the Senate on May 2, 2013, by the following vote: Yeas 31, Nays 0; May 23, 2013, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 25, 2013, House granted request of the Senate; May 26, 2013, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 460 passed the House, with amendments, on May 22, 2013, by the following vote: Yeas 112, Nays 35, one present not voting; May 25, 2013, House granted request of the Senate for appointment of Conference Committee; May 26, 2013, House adopted Conference Committee Report by the following vote: Yeas 97, Nays 35, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor