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

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

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

1. the number of hours of instruction to be provided in health education;
2. policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent obesity, cardiovascular disease, [and] Type 2 diabetes, and mental health concerns through coordination of:
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(A) health education;
(B) physical education and physical activity;
(C) nutrition services;
(D) parental involvement; [and]
(E) instruction to prevent the use of tobacco;
(F) school health services;
(G) counseling and guidance services;
(H) a safe and healthy school environment; and
(I) school employee wellness;

(3) appropriate grade levels and methods of

instruction for human sexuality instruction; and

(4) strategies for integrating the curriculum

components specified by Subdivision (2) with the following elements

in a coordinated school health program for the district:

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

SECTION 4. Section 161.325, Health and Safety Code, is

amended by adding Subsections (c-1) and (c-2) to read as follows:

(c-1) Except as otherwise provided by this subsection, each

school district shall provide training described in the components

set forth under Subsection (b) for teachers, counselors,

principals, and all other appropriate personnel. 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. A school district may implement a program on the list to
satisfy the requirements of this subsection.

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

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

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

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

Sec. 161.326. IMMUNITY. 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, Civil Practice and Remedies Code.

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

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.

Speaker of the House

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.

Secretary of the Senate

Chief Clerk of the House

Approved:

Date

Governor