

By: Lucio

S.B. No. 1689

A BILL TO BE ENTITLED

AN ACT

relating to confidential mental health screenings for students in public primary and secondary schools.

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

SECTION 1. Subchapter B, Chapter 12, Health and Safety Code, is amended by adding Section 12.022 to read as follows:

Sec. 12.022. CONFIDENTIAL MENTAL HEALTH SCREENINGS IN PUBLIC SCHOOLS. (a) In this section, "agency" means the Texas Education Agency.

(b) The department shall collaborate with the agency to develop a plan for providing confidential mental health screenings to students enrolled in public primary and secondary schools for the purpose of identifying students who face mental health challenges or show warning signs of mental illness.

(c) In developing the plan under Subsection (b), the department and the agency:

(1) may consult with and seek assistance from the Texas Medical Association, state psychiatric organizations, and, as appropriate, other medical health and mental health professionals and organizations; and

(2) shall determine whether:

(A) school districts employ persons who are trained or otherwise qualified to conduct confidential mental health screenings;

1 (B) each regional education service center has
2 the capacity for providing assistance in conducting confidential
3 mental health screenings at school districts; and

4 (C) any additional resources are available for
5 implementing confidential mental health screenings at school
6 districts.

7 (d) After developing the plan under Subsection (b), the
8 department and the agency shall provide confidential mental health
9 screenings to as many students enrolled in public primary and
10 secondary schools as practicable, using resources identified by the
11 department and the agency as available for that purpose.

12 (e) The consent of a parent or guardian of a student must be
13 obtained before a student receives a confidential mental health
14 screening under this section.

15 (f) The department and the agency may solicit grants or
16 charitable donations to provide confidential mental health
17 screenings for students from low-income households.

18 (g) Based on the implementation of the plan under Subsection
19 (d), the department and the agency shall develop a framework for
20 providing assistance and education to students whose confidential
21 mental health screenings indicate mental health challenges or
22 warning signs of mental illness.

23 (h) For a student whose confidential mental health
24 screening indicates mental health challenges that are not severe,
25 the entity conducting the confidential mental health screenings may
26 provide to the student an individual plan for overcoming mental
27 health challenges.

1 (i) For a student whose confidential mental health
2 screening indicates severe mental health challenges or warning
3 signs of mental illness, the entity conducting the confidential
4 mental health screenings shall provide notice to the parent or
5 guardian of the student containing information about:

6 (1) requesting a full individual and initial
7 evaluation of a student for purposes of special education services
8 under Section 29.004, Education Code; and

9 (2) other available treatment resources for the
10 student, including evaluation by an appropriate medical
11 practitioner.

12 (j) Not later than November 1, 2018, the department and the
13 agency jointly shall produce and submit a report to the lieutenant
14 governor, the speaker of the house of representatives, and each
15 legislative standing committee with jurisdiction over public and
16 primary education or mental health services. The report must
17 contain:

18 (1) a description of the plan developed under
19 Subsection (b);

20 (2) the results of the determinations made under
21 Subsection (c)(2);

22 (3) an analysis of the results of the confidential
23 mental health screenings conducted under this section; and

24 (4) recommendations for:

25 (A) assisting students with overcoming mental
26 health challenges; and

27 (B) legislative or other state action necessary

1 to:

2 (i) provide mental health education to
3 students; and

4 (ii) build state capacity for providing
5 mental health services to students.

6 (k) This section expires September 1, 2019.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2017.