

BILL ANALYSIS

H.B. 3026
By: Talarico
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that Texas does not sufficiently meet certain national and state standards regarding the availability of mental health practitioners for students. Reports indicate that these standards help build positive school environments, reduce disciplinary incidents, and improve the mental health of children attending school. There are also concerns that the inadequate provision of mental health services in Texas schools will continue to contribute to steadily rising suicide rates. H.B. 3026 seeks to address these issues by providing for the assignment of certain behavioral health professionals to public school campuses in Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3026 amends the Education Code to require a public school district with 400 or more students in average daily attendance to assign one behavioral health professional, as defined by the bill, for every 400 such students in the district. The bill requires the duties of a behavioral health professional assigned under the bill's provisions to include:

- assisting students in confidential counseling matters;
- providing students and parents the required counseling on the specific benefits of graduating high school with one or more endorsements; or
- a combination of those duties.

A district that requires a behavioral health professional to provide that counseling must ensure the behavioral health professional receives applicable training.

H.B. 3026 sets out requirements for a school counselor assigned under the bill's provisions and requires an assigned behavioral health professional to comply with certain guidelines concerning parental consent. The bill prohibits such a behavioral health professional from consulting with a student without the permission of the student's parent or guardian unless the safety of the student is at issue, the student is at risk of being involved in domestic violence, or a court order allows or requires the consultation without the permission. The bill requires a behavioral health professional, before implementing a comprehensive and development guidance and counseling program, to conduct a preview of the program for parents and guardians. The bill prohibits a district from requiring an assigned behavioral health professional to administer tests or provide other assistance in connection with tests, but the bill authorizes a district to require the

behavioral health professional to engage in the interpretation of data obtained from the administration of tests.

H.B. 3026 adds a temporary provision set to expire December 31, 2024, authorizing a behavioral health professional assigned under the bill's provisions to serve more than one campus of the district provided the ratio of students to behavioral health professionals does not exceed 600 to 1.

H.B. 3026 authorizes a behavioral health professional assigned under the bill's provisions, beginning January 1, 2025, to serve more than one campus of the district provided the ratio of students to behavioral health professionals does not exceed 520 to 1. The bill requires a district to employ a behavioral health professional as required by the bill's provisions as soon as practicable after the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.