86R7843 SOS-D

By:  Talarico H.B. No. 1467

A BILL TO BE ENTITLED

AN ACT

relating to a mental health professional to school law enforcement official ratio for public schools.

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

SECTION 1.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0816 to read as follows:

Sec. 37.0816.  MENTAL HEALTH PROFESSIONAL TO SCHOOL LAW ENFORCEMENT OFFICIAL RATIOS. (a) In this section:

(1)  "Mental health professional" means:

(A)  a school counselor certified under Subchapter B, Chapter 21;

(B)  a licensed specialist in school psychology, as defined by Section 501.002, Occupations Code;

(C)  a licensed professional counselor, as defined by Section 503.002, Occupations Code; or

(D)  a licensed clinical social worker, as defined by Section 505.002, Occupations Code.

(2)  "School district peace officer" means a peace officer commissioned under Section 37.081.

(3)  "School law enforcement official" means:

(A)  a security officer employed by a school district or open-enrollment charter school;

(B)  a person who provides security services under a contract with a school district or open-enrollment charter school;

(C)  a school district peace officer; or

(D)  a school resource officer who provides a regular presence on a school district or open-enrollment charter school campus under a memorandum of understanding between the district or school and a local law enforcement agency.

(b)  A school district or open-enrollment charter school that employs, commissions, or contracts for the services of a school law enforcement official to carry out this subchapter shall maintain a mental health professional to school law enforcement official ratio that is not less than:

(1)  four mental health professionals for each school law enforcement official if the district or school has a student enrollment of 5,000 or more students;

(2)  three mental health professionals for each school law enforcement official if the district or school has a student enrollment of more than 500 and less than 5,000; and

(3)  two mental health professionals for each school law enforcement official if the district or school has a student enrollment of 500 or less.

(c)  A school district or open-enrollment charter school may apply under Section 7.056 to the commissioner for a waiver of the ratio requirement imposed under Subsection (b). In addition to the requirements under Section 7.056(b), a school district or open-enrollment charter school requesting a waiver shall submit to the commissioner within the period prescribed by Section 7.056(b) documentation approved by the board of trustees of the district or the governing body of the school showing that the district or school made a good faith but unsuccessful attempt to obtain the applicable number of mental health professionals required under Subsection (b).

(c-1)  Notwithstanding Subsection (c), a school district or open-enrollment charter school that applies under Section 7.056(b) to the commissioner for a waiver of the ratio requirement imposed under Subsection (b) of this section for the 2019-2020 school year is not required to submit documentation showing that the district or school made a good faith but unsuccessful attempt to obtain the applicable number of mental health professionals required under Subsection (b). This subsection expires September 1, 2020.

(d)  A school district or open-enrollment charter school that receives a waiver of the ratio requirement imposed under Subsection (b) shall ensure that each school law enforcement official complete appropriate training by:

(1)  verifying that each school law enforcement official subject to Section 1701.263, Occupations Code, has completed the required education and training program; and

(2)  for any school law enforcement official who is not subject to Section 1701.263, Occupations Code, requiring the official to complete:

(A)  the model training curriculum developed under Section 1701.262, Occupations Code, if the official is a school district peace officer or school resource officer;

(B)  positive behavior interventions and supports training provided by a regional education service center; or

(C)  a school safety course provided by the Texas School Safety Center under Section 37.205.

SECTION 2.  The changes in law made by this Act apply beginning with the 2019-2020 school year.

SECTION 3.  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, 2019.