86R13566 SOS-D

By:  Talarico H.B. No. 2997

A BILL TO BE ENTITLED

AN ACT

relating to suicide prevention training for certain public school employees and public school mental health related programs and the applicability of related immunity provisions.

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

SECTION 1.  Section 21.451(d), Education Code, is amended to read as follows:

(d)  The staff development:

(1)  may include training in:

(A)  technology;

(B)  conflict resolution;

(C)  discipline strategies, including classroom management, district discipline policies, and the student code of conduct adopted under Section 37.001 and Chapter 37;

(D)  preventing, identifying, responding to, and reporting incidents of bullying; and

(E)  digital learning;

(2)  subject to Subsection (e) and to Section 21.3541 and rules adopted under that section, must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 U.S.C. Section 7801), that:

(A)  relates to instruction of students with disabilities; and

(B)  is designed for educators who work primarily outside the area of special education; and

(3)  must include suicide prevention training that must be provided in accordance with Section 161.325, Health and Safety Code[~~:~~

[~~(A)  on an annual basis, as part of a new employee orientation, to all new school district and open-enrollment charter school educators; and~~

[~~(B)  to existing school district and open-enrollment charter school educators on a schedule adopted by the agency by rule~~].

SECTION 2.  Section 161.325, Health and Safety Code, is amended by amending Subsections (a), (c-1), (c-2), and (d) and adding Subsection (c-3) to read as follows:

(a)  The department, in coordination with the Texas Education Agency and regional education service centers, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified under Subsection (a-1) for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each school district or open-enrollment charter school may select from the list a program or programs appropriate for implementation in the district or school.

(c-1)  Each [~~Except as otherwise provided by this subsection, each~~] school district and open-enrollment charter school shall provide each year training described in the components set forth under Subsection (b) for an employee who regularly interacts with students enrolled in the district or school [~~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 or open-enrollment charter school must [~~may~~] implement a program on the list to satisfy the requirements of this subsection.

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

[~~(1)  a~~] school district or open-enrollment charter school employee described under Subsection (c-1) [~~that subsection~~] must participate each year in the training described in the components set forth under Subsection (b) on a schedule adopted by rule by the commissioner of education. An employee may satisfy the training required through independent review of suicide prevention training material that:

(1)  complies with the guidelines developed by the Texas Education Agency; and

(2)  is offered online.

(c-3)  A [~~at least one time; and~~

[~~(2)  the~~] school district or open-enrollment charter school shall maintain records that include the name of each district or school employee who participates [~~participated~~] in the training under Subsection (c-1) or (c-2).

(d)  A school district or open-enrollment charter school may develop practices and procedures concerning each area listed in Subsection (a-1), including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

(1)  include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(2)  include a procedure for providing notice of a student identified as at risk of death by suicide [~~committing suicide~~] to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs as described by Subsection (b)(2);

(3)  establish that the district or school may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district or school for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention; and

(4)  set out available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention.

SECTION 3.  Section 161.326, Health and Safety Code, is amended to read as follows:

Sec. 161.326.  IMMUNITY. This subchapter does not:

(1)  waive any immunity from liability of a school district or open-enrollment charter school or of the district or school officers or employees;

(2)  create any liability for a cause of action against a school district or open-enrollment charter school or against the district or school officers or employees; or

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

SECTION 4.  Sections 21.451(d-1) and (d-2), Education Code, are repealed.

SECTION 5.  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.