

AN ACT

relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs and services, and health care services for students and to mental health first aid program training and reporting regarding local mental health authority and school district personnel.

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

ARTICLE 1. MENTAL HEALTH OF STUDENTS IN PUBLIC SCHOOLS

SECTION 1.01. Section 5.001, Education Code, is amended by amending Subdivision (5-a) and adding Subdivision (9) to read as follows:

(5-a) "Mental health condition" means a persistent or recurrent pattern of thoughts, feelings, or behaviors [~~an illness, disease, or disorder, other than epilepsy, dementia, substance abuse, or intellectual disability,~~] that:

(A) constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or

(B) [~~substantially~~] impairs a person's social, emotional, or educational functioning and increases the risk of developing a condition described by Paragraph (A) [~~thought, perception of reality, emotional process, or judgment; or~~

1                    [~~(B) grossly impairs behavior as demonstrated by~~  
2 ~~recent disturbed behavior~~].

3                    (9) "Substance abuse" means a patterned use of a  
4 substance, including a controlled substance, as defined by Chapter  
5 481, Health and Safety Code, and alcohol, in which the person  
6 consumes the substance in amounts or with methods that are harmful  
7 to the person's self or to others.

8                    SECTION 1.02. Section 11.252(a), Education Code, is amended  
9 to read as follows:

10                    (a) Each school district shall have a district improvement  
11 plan that is developed, evaluated, and revised annually, in  
12 accordance with district policy, by the superintendent with the  
13 assistance of the district-level committee established under  
14 Section 11.251. The purpose of the district improvement plan is to  
15 guide district and campus staff in the improvement of student  
16 performance for all student groups in order to attain state  
17 standards in respect to the achievement indicators adopted under  
18 Section 39.053(c). The district improvement plan must include  
19 provisions for:

20                    (1) a comprehensive needs assessment addressing  
21 district student performance on the achievement indicators, and  
22 other appropriate measures of performance, that are disaggregated  
23 by all student groups served by the district, including categories  
24 of ethnicity, socioeconomic status, sex, and populations served by  
25 special programs, including students in special education programs  
26 under Subchapter A, Chapter 29;

27                    (2) measurable district performance objectives for

1 all appropriate achievement indicators for all student  
2 populations, including students in special education programs  
3 under Subchapter A, Chapter 29, and other measures of student  
4 performance that may be identified through the comprehensive needs  
5 assessment;

6 (3) strategies for improvement of student performance  
7 that include:

8 (A) instructional methods for addressing the  
9 needs of student groups not achieving their full potential;

10 (B) evidence-based practices that address  
11 ~~[methods for addressing]~~ the needs of students for special  
12 programs, including:

13 (i) suicide prevention programs, in  
14 accordance with Subchapter G ~~[O-1]~~, Chapter 38 ~~[161, Health and~~  
15 ~~Safety Code]~~, which include ~~[includes]~~ a parental or guardian  
16 notification procedure;

17 (ii) conflict resolution programs;

18 (iii) violence prevention programs; and

19 (iv) dyslexia treatment programs;

20 (C) dropout reduction;

21 (D) integration of technology in instructional  
22 and administrative programs;

23 (E) positive behavior interventions and support,  
24 including interventions and support that integrate best practices  
25 on grief-informed and trauma-informed care ~~[discipline~~  
26 ~~management]~~;

27 (F) staff development for professional staff of

1 the district;

2 (G) career education to assist students in  
3 developing the knowledge, skills, and competencies necessary for a  
4 broad range of career opportunities; ~~and~~

5 (H) accelerated education; and

6 (I) implementation of a comprehensive school  
7 counseling program under Section 33.005;

8 (4) strategies for providing to elementary school,  
9 middle school, junior high school, and high school students, those  
10 students' teachers and school counselors, and those students'  
11 parents information about:

12 (A) higher education admissions and financial  
13 aid opportunities, including state financial aid opportunities  
14 such as ~~+~~

15 ~~(B)~~ the TEXAS grant program and the Teach for  
16 Texas grant program established under Chapter 56;

17 (B) ~~(C)~~ the need for students to make informed  
18 curriculum choices to be prepared for success beyond high school;  
19 and

20 (C) ~~(D)~~ sources of information on higher  
21 education admissions and financial aid;

22 (5) resources needed to implement identified  
23 strategies;

24 (6) staff responsible for ensuring the accomplishment  
25 of each strategy;

26 (7) timelines for ongoing monitoring of the  
27 implementation of each improvement strategy;

1 (8) formative evaluation criteria for determining  
2 periodically whether strategies are resulting in intended  
3 improvement of student performance; and

4 (9) the policy under Section 38.0041 addressing sexual  
5 abuse and other maltreatment of children.

6 SECTION 1.03. Section 21.044(c-1), Education Code, is  
7 amended to read as follows:

8 (c-1) Any minimum academic qualifications for a certificate  
9 specified under Subsection (a) that require a person to possess a  
10 bachelor's degree must also require that the person receive, as  
11 part of the training required to obtain that certificate,  
12 instruction regarding mental health, substance abuse, and youth  
13 suicide. The instruction required must:

14 (1) be provided through:

15 (A) a program selected from the list of  
16 recommended best practice-based programs and research-based  
17 practices established under Section 38.351; or

18 (B) a course offered by any accredited public or  
19 private postsecondary educational institution as part of a degree  
20 program [~~161.325, Health and Safety Code~~]; and

21 (2) include effective strategies [~~for teaching and~~  
22 ~~intervening with students with mental or emotional disorders~~],  
23 including de-escalation techniques and positive behavioral  
24 interventions and supports, for teaching and intervening with  
25 students with mental health conditions or who engage in substance  
26 abuse.

27 SECTION 1.04. Section 21.054, Education Code, is amended by

1 amending Subsections (d), (d-2), (e), (e-2), (f), and (g) and  
2 adding Subsection (d-1) to read as follows:

3 (d) Continuing education requirements for a classroom  
4 teacher must provide that at least ~~[not more than]~~ 25 percent of the  
5 training required every five years include instruction regarding:

6 (1) collecting and analyzing information that will  
7 improve effectiveness in the classroom;

8 (2) recognizing early warning indicators that a  
9 student may be at risk of dropping out of school;

10 (3) digital learning, digital teaching, and  
11 integrating technology into classroom instruction;

12 (4) educating diverse student populations, including:

13 (A) students who are eligible to participate in  
14 special education programs under Subchapter A, Chapter 29 ~~[with~~  
15 ~~disabilities, including mental health disorders]~~;

16 (B) students who are eligible to receive  
17 educational services required under Section 504, Rehabilitation  
18 Act of 1973 (29 U.S.C. Section 794);

19 (C) students with mental health conditions or who  
20 engage in substance abuse;

21 (D) students with intellectual or developmental  
22 disabilities;

23 (E) students who are educationally  
24 disadvantaged;

25 (F) ~~[(C)]~~ students of limited English  
26 proficiency; and

27 (G) ~~[(D)]~~ students at risk of dropping out of

1 school; ~~and~~

2 (5) understanding appropriate relationships,  
3 boundaries, and communications between educators and students;  
4 and ~~[-]~~

5 (6) [~~(d-2) Continuing education requirements for a~~  
6 ~~classroom teacher may include instruction regarding~~] how mental  
7 health conditions, including grief and trauma, affect student  
8 learning and behavior and how evidence-based, grief-informed, and  
9 trauma-informed strategies support the academic success of  
10 students affected by grief and trauma.

11 (d-1) The instruction required under Subsection (d) may  
12 include two or more listed topics together.

13 (d-2) The instruction required under Subsection (d)(6) must  
14 be:

15 (1) based on relevant best practice-based programs and  
16 research-based practices; and

17 (2) approved by the commissioner, in consultation with  
18 the Health and Human Services Commission.

19 (e) Continuing education requirements for a principal must  
20 provide that at least ~~[not more than]~~ 25 percent of the training  
21 required every five years include instruction regarding:

22 (1) effective and efficient management, including:

23 (A) collecting and analyzing information;

24 (B) making decisions and managing time; and

25 (C) supervising student discipline and managing  
26 behavior;

27 (2) recognizing early warning indicators that a

1 student may be at risk of dropping out of school;

2 (3) digital learning, digital teaching, and  
3 integrating technology into campus curriculum and instruction;

4 (4) effective implementation of a comprehensive  
5 school counseling program under Section 33.005;

6 (5) mental health programs addressing a mental health  
7 condition;

8 (6) educating diverse student populations, including:

9 (A) students who are eligible to participate in  
10 special education programs under Subchapter A, Chapter 29 [~~with~~  
11 ~~disabilities, including mental health disorders~~];

12 (B) students with intellectual or developmental  
13 disabilities;

14 (C) students who are eligible to receive  
15 educational services required under Section 504, Rehabilitation  
16 Act of 1973 (29 U.S.C. Section 794);

17 (D) students with mental health conditions or who  
18 engage in substance abuse;

19 (E) students who are educationally  
20 disadvantaged;

21 (F) [~~(C)~~] students of limited English  
22 proficiency; and

23 (G) [~~(D)~~] students at risk of dropping out of  
24 school; [~~and~~]

25 (7) [~~(5)~~] preventing, recognizing, and reporting any  
26 sexual conduct between an educator and student that is prohibited  
27 under Section 21.12, Penal Code, or for which reporting is required



1 under Section 21.006 of this code; and [-]

2 (8) [~~(e-2) Continuing education requirements for a~~  
3 ~~principal may include instruction regarding~~] how mental health  
4 conditions, including grief and trauma, affect student learning and  
5 behavior and how evidence-based, grief-informed, and  
6 trauma-informed strategies support the academic success of  
7 students affected by grief and trauma.

8 (e-2) The instruction required under Subsection (e)(8) must  
9 be:

10 (1) based on relevant best practice-based programs and  
11 research-based practices; and

12 (2) approved by the commissioner, in consultation with  
13 the Health and Human Services Commission.

14 (f) Continuing education requirements for a counselor must  
15 provide that at least [~~not more than~~] 25 percent of training  
16 required every five years include instruction regarding:

17 (1) assisting students in developing high school  
18 graduation plans;

19 (2) implementing dropout prevention strategies; [~~and~~]

20 (3) informing students concerning:

21 (A) college admissions, including college  
22 financial aid resources and application procedures; and

23 (B) career opportunities;

24 (4) counseling students concerning mental health  
25 conditions and substance abuse, including through the use of  
26 grief-informed and trauma-informed interventions and crisis  
27 management and suicide prevention strategies; and

1           (5) effective implementation of a comprehensive  
2 school counseling program under Section 33.005.

3           (g) The board shall adopt rules that allow an educator to  
4 fulfill [~~up to 12 hours of~~] continuing education requirements by  
5 participating in an evidence-based [~~a~~] mental health first aid  
6 training program or an evidence-based grief-informed and  
7 trauma-informed care program [~~offered by a local mental health~~  
8 ~~authority under Section 1001.203, Health and Safety Code~~]. The  
9 rules adopted under this subsection must allow an educator to  
10 complete a program described by this subsection and receive credit  
11 toward continuing education requirements for twice the number of  
12 hours of instruction provided under that program, not to exceed 16  
13 hours. The program must be offered through a classroom instruction  
14 format that requires in-person attendance. [~~The number of hours of~~  
15 ~~continuing education an educator may fulfill under this subsection~~  
16 ~~may not exceed the number of hours the educator actually spends~~  
17 ~~participating in a mental health first aid training program.~~]

18           SECTION 1.05. Sections 21.451(d) and (d-1), Education Code,  
19 are amended to read as follows:

20           (d) The staff development:

21               (1) may include training in:

22                       (A) technology;

23                       (B) positive behavior intervention and support  
24 [~~conflict resolution,~~

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

1           ~~[(D) preventing, identifying, responding to, and~~  
2 ~~reporting incidents of bullying,]~~ and

3           (C) [(E)] digital learning;

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

8           (A) relates to instruction of students with  
9 disabilities, including students with disabilities who also have  
10 other intellectual or mental health conditions; and

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

13           (3) must include ~~[suicide prevention]~~ training on:

14           (A) suicide prevention;

15           (B) recognizing signs of mental health  
16 conditions and substance abuse;

17           (C) strategies for establishing and maintaining  
18 positive relationships among students, including conflict  
19 resolution;

20           (D) how grief and trauma affect student learning  
21 and behavior and how evidence-based, grief-informed, and  
22 trauma-informed strategies support the academic success of  
23 students affected by grief and trauma; and

24           (E) preventing, identifying, responding to, and  
25 reporting incidents of bullying.

26           (d-1) The training required by Subsection (d)(3):

27           (1) ~~that~~ must:

1            (A) be provided:

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

5            (ii) [~~(B)~~] to existing school district and  
6 open-enrollment charter school educators on a schedule adopted by  
7 the agency by rule; and [~~+~~]

8            (B) [~~(d-1)~~] ~~The suicide prevention training~~  
9 ~~required by Subsection (d)(3) must]~~ use a best practice-based  
10 program recommended by the Health and Human Services Commission  
11 [~~Department of State Health Services~~] in coordination with the  
12 agency under Section 38.351; and

13            (2) may include two or more listed topics together  
14 [~~161.325, Health and Safety Code~~].

15            SECTION 1.06. Section 21.462, Education Code, is amended to  
16 read as follows:

17            Sec. 21.462. RESOURCES REGARDING STUDENTS WITH MENTAL  
18 HEALTH OR SUBSTANCE ABUSE CONDITIONS [~~NEEDS~~]. The agency, in  
19 coordination with the Health and Human Services Commission, shall  
20 establish and maintain an Internet website to provide resources for  
21 school district or open-enrollment charter school employees  
22 regarding working with students with mental health conditions or  
23 who engage in substance abuse. The agency must include on the  
24 Internet website information about:

- 25            (1) grief-informed and trauma-informed practices;  
26            (2) building skills related to managing emotions,  
27 establishing and maintaining positive relationships, and

1 responsible decision-making;

2 (3) positive behavior interventions and supports; and

3 (4) a safe and supportive school climate.

4 SECTION 1.07. Sections 28.002(a) and (r), Education Code,  
5 are amended to read as follows:

6 (a) Each school district that offers kindergarten through  
7 grade 12 shall offer, as a required curriculum:

8 (1) a foundation curriculum that includes:

9 (A) English language arts;

10 (B) mathematics;

11 (C) science; and

12 (D) social studies, consisting of Texas, United  
13 States, and world history, government, economics, with emphasis on  
14 the free enterprise system and its benefits, and geography; and

15 (2) an enrichment curriculum that includes:

16 (A) to the extent possible, languages other than  
17 English;

18 (B) health, with emphasis on:

19 (i) physical health, including the  
20 importance of proper nutrition and exercise; and

21 (ii) mental health, including instruction  
22 about mental health conditions, substance abuse, skills to manage  
23 emotions, establishing and maintaining positive relationships, and  
24 responsible decision-making;

25 (C) physical education;

26 (D) fine arts;

27 (E) career and technology education;

1 (F) technology applications;

2 (G) religious literature, including the Hebrew  
3 Scriptures (Old Testament) and New Testament, and its impact on  
4 history and literature; and

5 (H) personal financial literacy.

6 (r) In adopting the essential knowledge and skills for the  
7 health curriculum under Subsection (a)(2)(B), the State Board of  
8 Education shall adopt essential knowledge and skills that address  
9 the science, risk factors, causes, dangers, ~~[causes,~~  
10 consequences, signs, symptoms, and treatment of substance abuse,  
11 including the use of illegal drugs, abuse of prescription drugs,  
12 abuse of alcohol such as by binge drinking or other excessive  
13 drinking resulting in ~~[and]~~ alcohol poisoning, inhaling solvents,  
14 and other forms of substance abuse. The agency shall compile a list  
15 of evidence-based substance abuse ~~[alcohol]~~ awareness programs  
16 from which a school district shall choose a program to use in the  
17 district's middle school, junior high school, and high school  
18 health curriculum. In this subsection, "evidence-based substance  
19 abuse ~~[alcohol]~~ awareness program" means a program, practice, or  
20 strategy that has been proven to effectively prevent substance  
21 abuse ~~[or delay alcohol use]~~ among students, as determined by  
22 evaluations that are evidence-based ~~[use valid and reliable~~  
23 ~~measures and that are published in peer-reviewed journals]~~.

24 SECTION 1.08. Sections 28.004(c), (d), and (k), Education  
25 Code, are amended to read as follows:

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

1           (1) the number of hours of instruction to be provided  
2 in:

3                   (A) health education in kindergarten through  
4 grade eight; and

5                   (B) if the school district requires health  
6 education for high school graduation, health education, including  
7 physical health education and mental health education, in grades 9  
8 through 12;

9           (2) policies, procedures, strategies, and curriculum  
10 appropriate for specific grade levels designed to prevent physical  
11 health concerns, including obesity, cardiovascular disease, Type 2  
12 diabetes, and mental health concerns through coordination of:

13                   (A) health education, which must address  
14 physical health concerns and mental health concerns to ensure the  
15 integration of physical health education and mental health  
16 education;

17                   (B) physical education and physical activity;

18                   (C) nutrition services;

19                   (D) parental involvement;

20                   (E) instruction on substance abuse prevention  
21 ~~[to prevent the use of e-cigarettes, as defined by Section 161.081,~~  
22 ~~Health and Safety Code, and tobacco];~~

23                   (F) school health services, including mental  
24 health services;

25                   (G) a comprehensive school counseling program  
26 under Section 33.005 ~~[and guidance services];~~

27                   (H) a safe and healthy school environment; and

1 (I) school employee wellness;

2 (3) appropriate grade levels and methods of  
3 instruction for human sexuality instruction;

4 (4) strategies for integrating the curriculum  
5 components specified by Subdivision (2) with the following elements  
6 in a coordinated school health program for the district:

7 (A) school health services, including physical  
8 health services and mental health services, if provided at a campus  
9 by the district or by a third party under a contract with the  
10 district;

11 (B) a comprehensive school counseling program  
12 under Section 33.005 [~~and guidance services~~];

13 (C) a safe and healthy school environment; and

14 (D) school employee wellness; and

15 (5) if feasible, joint use agreements or strategies  
16 for collaboration between the school district and community  
17 organizations or agencies.

18 (d) The board of trustees shall appoint at least five  
19 members to the local school health advisory council. A majority of  
20 the members must be persons who are parents of students enrolled in  
21 the district and who are not employed by the district. One of those  
22 members shall serve as chair or co-chair of the council. The board  
23 of trustees also may appoint one or more persons from each of the  
24 following groups or a representative from a group other than a group  
25 specified under this subsection:

26 (1) classroom [~~public school~~] teachers employed by the  
27 district;



1           (2) school counselors certified under Subchapter B,  
2 Chapter 21, employed by the district;

3           (3) [~~public~~] school administrators employed by the  
4 district;

5           (4) [~~3~~] district students;

6           (5) [~~4~~] health care professionals licensed or  
7 certified to practice in this state, including medical or mental  
8 health professionals;

9           (6) [~~5~~] the business community;

10          (7) [~~6~~] law enforcement;

11          (8) [~~7~~] senior citizens;

12          (9) [~~8~~] the clergy;

13          (10) [~~9~~] nonprofit health organizations; and

14          (11) [~~10~~] local domestic violence programs.

15          (k) A school district shall publish in the student handbook  
16 and post on the district's Internet website, if the district has an  
17 Internet website:

18           (1) a statement of the policies and procedures adopted  
19 to promote the physical health and mental health of students, the  
20 physical health and mental health resources available at each  
21 campus, contact information for the nearest providers of essential  
22 public health services under Chapter 121, Health and Safety Code,  
23 and the contact information for the nearest local mental health  
24 authority;

25           (2) a statement of the policies adopted to ensure that  
26 elementary school, middle school, and junior high school students  
27 engage in at least the amount and level of physical activity

1 required by Section 28.002(1);

2 (3) [~~(2)~~] a statement of:

3 (A) the number of times during the preceding year  
4 the district's school health advisory council has met;

5 (B) whether the district has adopted and enforces  
6 policies to ensure that district campuses comply with agency  
7 vending machine and food service guidelines for restricting student  
8 access to vending machines; and

9 (C) whether the district has adopted and enforces  
10 policies and procedures that prescribe penalties for the use of  
11 e-cigarettes, as defined by Section 38.006, and tobacco products by  
12 students and others on school campuses or at school-sponsored or  
13 school-related activities; [~~and~~]

14 (4) [~~(3)~~] a statement providing notice to parents that  
15 they can request in writing their child's physical fitness  
16 assessment results at the end of the school year; and

17 (5) for each campus in the district, a statement of  
18 whether the campus has a full-time nurse or full-time school  
19 counselor.

20 SECTION 1.09. Section 30.002(b), Education Code, is amended  
21 to read as follows:

22 (b) The agency shall:

23 (1) develop standards and guidelines for all special  
24 education services for children with visual impairments that it is  
25 authorized to provide or support under this code;

26 (2) supervise regional education service centers and  
27 other entities in assisting school districts in serving children

1 with visual impairments more effectively;

2 (3) develop and administer special education services  
3 for students with both serious visual and auditory impairments;

4 (4) evaluate special education services provided for  
5 children with visual impairments by school districts and approve or  
6 disapprove state funding of those services; and

7 (5) maintain an effective liaison between special  
8 education programs provided for children with visual impairments by  
9 school districts and related initiatives of the Health and Human  
10 Services Commission [~~Department of Assistive and Rehabilitative~~  
11 ~~Services Division for Blind Services~~], the Department of State  
12 Health Services Mental Health and Substance Abuse Division, the  
13 Texas Workforce Commission [~~School for the Blind and Visually~~  
14 ~~Impaired~~], and other related programs, agencies, or facilities as  
15 appropriate.

16 SECTION 1.10. Section 33.004(b), Education Code, is amended  
17 to read as follows:

18 (b) Each school, before implementing a comprehensive school  
19 [~~and developmental guidance and~~] counseling program under Section  
20 33.005, shall annually conduct a preview of the program for parents  
21 and guardians. All materials, including curriculum to be used  
22 during the year, must be available for a parent or guardian to  
23 preview during school hours. Materials or curriculum not included  
24 in the materials available on the campus for preview may not be  
25 used.

26 SECTION 1.11. Section 33.005, Education Code, is amended to  
27 read as follows:

1           Sec. 33.005. COMPREHENSIVE SCHOOL [~~DEVELOPMENTAL GUIDANCE~~  
2 ~~AND~~] COUNSELING PROGRAMS. (a) A school counselor shall work with  
3 the school faculty and staff, students, parents, and the community  
4 to plan, implement, and evaluate a comprehensive school  
5 [~~developmental guidance and~~] counseling program that conforms to  
6 the most recent edition of the Texas Model for Comprehensive School  
7 Counseling Programs developed by the Texas Counseling Association.

8           (b) The school counselor shall design the program to  
9 include:

10                   (1) a guidance curriculum to help students develop  
11 their full educational potential, including the student's  
12 interests and career objectives;

13                   (2) a responsive services component to intervene on  
14 behalf of any student whose immediate personal concerns or problems  
15 put the student's continued educational, career, personal, or  
16 social development at risk;

17                   (3) an individual planning system to guide a student  
18 as the student plans, monitors, and manages the student's own  
19 educational, career, personal, and social development; and

20                   (4) system support to support the efforts of teachers,  
21 staff, parents, and other members of the community in promoting the  
22 educational, career, personal, and social development of students.

23           SECTION 1.12. Subchapter A, Chapter 38, Education Code, is  
24 amended by adding Section 38.0101 to read as follows:

25           Sec. 38.0101. AUTHORITY TO EMPLOY OR CONTRACT WITH  
26 NONPHYSICIAN MENTAL HEALTH PROFESSIONAL. (a) A school district  
27 may employ or contract with one or more nonphysician mental health

1 professionals.

2 (b) In this section, "nonphysician mental health  
3 professional" means:

4 (1) a psychologist licensed to practice in this state  
5 and designated as a health-service provider;

6 (2) a registered nurse with a master's or doctoral  
7 degree in psychiatric nursing;

8 (3) a licensed clinical social worker;

9 (4) a professional counselor licensed to practice in  
10 this state; or

11 (5) a marriage and family therapist licensed to  
12 practice in this state.

13 SECTION 1.13. Section 38.013(a), Education Code, is amended  
14 to read as follows:

15 (a) The agency shall make available to each school district  
16 one or more coordinated health programs [~~designed to prevent~~  
17 ~~obesity, cardiovascular disease, oral diseases, and Type 2~~  
18 ~~diabetes~~] in elementary school, middle school, and junior high  
19 school [~~students~~]. Each program must provide for coordinating  
20 education and services related to:

21 (1) physical health education, including programs  
22 designed to prevent obesity, cardiovascular disease, oral  
23 diseases, and Type 2 diabetes and programs designed to promote the  
24 role of proper nutrition [~~oral health education~~];

25 (2) mental health education, including education  
26 about mental health conditions, mental health well-being, skills to  
27 manage emotions, establishing and maintaining positive

1 relationships, and responsible decision-making;

2 (3) substance abuse education, including education  
3 about alcohol abuse, prescription drug abuse, and abuse of other  
4 controlled substances;

5 (4) physical education and physical activity; and

6 (5) [~~(3)~~ nutrition services; and

7 [~~(4)~~] parental involvement.

8 SECTION 1.14. Sections 38.016(a) and (c), Education Code,  
9 are amended to read as follows:

10 (a) In this section:

11 (1) "Nonphysician mental health professional" has the  
12 meaning assigned by Section 38.0101.

13 (2) "Parent" includes a guardian or other person  
14 standing in parental relation.

15 (3) [~~(2)~~] "Psychotropic drug" means a substance that  
16 is:

17 (A) used in the diagnosis, treatment, or  
18 prevention of a disease or as a component of a medication; and

19 (B) intended to have an altering effect on  
20 perception, emotion, or behavior.

21 (c) Subsection (b) does not:

22 (1) prevent an appropriate referral under the child  
23 find system required under 20 U.S.C. Section 1412, as amended; [~~or~~]

24 (2) prohibit a school district employee, or an  
25 employee of an entity with which the district contracts, who is a  
26 registered nurse, advanced nurse practitioner, physician, or  
27 nonphysician mental health professional licensed or certified to

1 practice in this state [~~or appropriately credentialed mental health~~  
2 ~~professional~~] from recommending that a child be evaluated by a  
3 physician or nonphysician mental health professional [~~an~~  
4 ~~appropriate medical practitioner~~]; or

5 (3) prohibit a school employee from discussing any  
6 aspect of a child's behavior or academic progress with the child's  
7 parent or another school district employee.

8 SECTION 1.15. Section 38.051(b), Education Code, is amended  
9 to read as follows:

10 (b) On the recommendation of an advisory council  
11 established under Section 38.058 or on the initiative of the board  
12 of trustees or the governing body of an open-enrollment charter  
13 school, a school district or open-enrollment charter school may  
14 establish a school-based health center at one or more campuses [~~in~~  
15 ~~the district~~] to meet the health care needs of students and their  
16 families.

17 SECTION 1.16. Section 38.054, Education Code, is amended to  
18 read as follows:

19 Sec. 38.054. CATEGORIES OF SERVICES. The permissible  
20 categories of services are:

- 21 (1) family and home support;
- 22 (2) physical health care, including immunizations;
- 23 (3) dental health care;
- 24 (4) health education; [~~and~~]
- 25 (5) preventive health strategies;
- 26 (6) treatment for mental health conditions; and
- 27 (7) treatment for substance abuse.

1 SECTION 1.17. Section 38.057(b), Education Code, is amended  
2 to read as follows:

3 (b) If it is determined that a student is in need of a  
4 referral for physical health services or mental health services,  
5 the staff of the center shall notify the person whose consent is  
6 required under Section 38.053 verbally and in writing of the basis  
7 for the referral. The referral may not be provided unless the  
8 person provides written consent for the type of service to be  
9 provided and provides specific written consent for each treatment  
10 occasion or for a course of treatment that includes multiple  
11 treatment occasions of the same type of service.

12 SECTION 1.18. Section 38.058, Education Code, is amended to  
13 read as follows:

14 Sec. 38.058. HEALTH EDUCATION AND HEALTH CARE ADVISORY  
15 COUNCIL. (a) The board of trustees of a school district or the  
16 governing body of an open-enrollment charter school may establish  
17 and appoint members to a local health education and health care  
18 advisory council to make recommendations to the district or school  
19 on the establishment of school-based health centers and to assist  
20 the district or school in ensuring that local community values are  
21 reflected in the operation of each center and in the provision of  
22 health education.

23 (b) A majority of the members of the council must be parents  
24 of students enrolled in the school district or open-enrollment  
25 charter school. In addition to the appointees who are parents of  
26 students, the board of trustees or governing body shall also  
27 appoint at least one person from each of the following groups:



- 1           (1) classroom teachers;
- 2           (2) school administrators;
- 3           (3) school counselors;
- 4           (4) [~~licensed~~] health care professionals licensed or  
5 certified to practice in this state;
- 6           (5) [~~(4)~~] the clergy;
- 7           (6) [~~(5)~~] law enforcement;
- 8           (7) [~~(6)~~] the business community;
- 9           (8) [~~(7)~~] senior citizens; and
- 10          (9) [~~(8)~~] students.

11           SECTION 1.19. Subchapter B, Chapter 38, Education Code, is  
12 amended by adding Section 38.0591 to read as follows:

13           Sec. 38.0591. ACCESS TO MENTAL HEALTH SERVICES. The  
14 agency, in cooperation with the Health and Human Services  
15 Commission, shall develop guidelines for school districts  
16 regarding:

17           (1) partnering with a local mental health authority  
18 and with community or other private mental health services  
19 providers and substance abuse services providers to increase  
20 student access to mental health services; and

21           (2) obtaining mental health services through the  
22 medical assistance program under Chapter 32, Human Resources Code.

23           SECTION 1.20. Section 38.060(c), Education Code, is amended  
24 to read as follows:

25           (c) The school district or open-enrollment charter school  
26 [~~council~~] shall keep a record of efforts made to coordinate with  
27 existing providers.

1 SECTION 1.21. Subchapter O-1, Chapter 161, Health and  
2 Safety Code, as amended by Chapter 522 (S.B. 179) and Chapter 714  
3 (H.B. 4056), Acts of the 85th Legislature, Regular Session, 2017,  
4 is transferred to Chapter 38, Education Code, redesignated as  
5 Subchapter G, Chapter 38, Education Code, reenacted, and amended to  
6 read as follows:

7 SUBCHAPTER G [~~O-1~~]. MENTAL HEALTH, SUBSTANCE ABUSE, AND YOUTH  
8 SUICIDE

9 Sec. 38.351 [~~161.325~~]. MENTAL HEALTH PROMOTION AND  
10 INTERVENTION, SUBSTANCE ABUSE PREVENTION AND INTERVENTION, AND  
11 SUICIDE PREVENTION. (a) The agency [~~department~~], in coordination  
12 with the Health and Human Services Commission [~~Texas Education~~  
13 ~~Agency~~] and regional education service centers, shall provide and  
14 annually update a list of recommended best practice-based programs  
15 and research-based practices in the areas specified under  
16 Subsection (c) [~~(a-1)~~] for implementation in public elementary,  
17 junior high, middle, and high schools within the general education  
18 setting.

19 (b) Each school district may select from the list provided  
20 under Subsection (a) a program or programs appropriate for  
21 implementation in the district.

22 (c) [~~(a-1)~~] The list provided under Subsection (a) must  
23 include programs and practices in the following areas:

- 24 (1) early mental health prevention and intervention;  
25 (2) building skills related to managing emotions,  
26 establishing and maintaining positive relationships, and  
27 responsible decision-making;

- 1           ~~[(2) mental health promotion;]~~  
2           (3) substance abuse prevention and intervention;  
3           (4) ~~[substance abuse intervention;~~  
4           ~~[(5)]~~ suicide prevention, intervention, and  
5 postvention;  
6           (5) ~~[(6) trauma-informed practices;~~  
7           ~~[(6)]~~ grief-informed and trauma-informed practices;  
8           (6) ~~[(7) building skills related to managing~~  
9 ~~emotions, establishing and maintaining positive relationships, and~~  
10 ~~responsible decision-making;~~  
11           ~~[(7)]~~ positive school climates; ~~[and]~~  
12           (7) ~~[(8)]~~ positive behavior interventions and  
13 supports;  
14           (8) ~~[positive behavior interventions and supports~~  
15 ~~and]~~ positive youth development; and  
16           (9) safe, ~~[and]~~ supportive, and positive school  
17 climate.

18           (d) ~~[(a-2) The department, the Texas Education Agency, and~~  
19 ~~each regional education service center shall make the list easily~~  
20 ~~accessible on their websites.~~

21           ~~[(a-3)]~~ For purposes of Subsection (c) ~~[(a-1)]~~, "school  
22 climate" means the quality and character of school life, including  
23 interpersonal relationships, teaching and learning practices, and  
24 organizational structures, as experienced by students enrolled in  
25 the school district, parents of those students, and personnel  
26 employed by the district.

27           (e) ~~[(b)]~~ The suicide prevention programs on the list

1 provided under Subsection (a) must include components that provide  
2 for training school counselors, teachers, nurses, administrators,  
3 and other staff, as well as law enforcement officers and social  
4 workers who regularly interact with students, to:

5 (1) recognize students at risk of attempting  
6 ~~[committing]~~ suicide, including students who are or may be the  
7 victims of or who engage in bullying;

8 (2) recognize students displaying early warning signs  
9 and a possible need for early mental health or substance abuse  
10 intervention, which warning signs may include declining academic  
11 performance, depression, anxiety, isolation, unexplained changes  
12 in sleep or eating habits, and destructive behavior toward self and  
13 others; ~~[and]~~

14 (3) intervene effectively with students described by  
15 Subdivision (1) or (2) by providing notice and referral to a parent  
16 or guardian so appropriate action, such as seeking mental health or  
17 substance abuse services, may be taken by a parent or guardian; and

18 (4) assist students in returning to school following  
19 treatment of a mental health concern or suicide attempt.

20 (f) ~~[(e)]~~ In developing the list of best practice-based  
21 programs and research-based practices, the agency ~~[department]~~ and  
22 the Health and Human Services Commission ~~[Texas Education Agency]~~  
23 shall consider:

24 (1) any existing suicide prevention method developed  
25 by a school district; and

26 (2) any Internet or online course or program developed  
27 in this state or another state that is based on best practices

1 recognized by the Substance Abuse and Mental Health Services  
2 Administration or the Suicide Prevention Resource Center.

3 (g) [~~(c-1)~~] Except as otherwise provided by this  
4 subsection, each school district shall provide training described  
5 in the components set forth under Subsection (e) [~~(b)~~] for  
6 teachers, school counselors, principals, and all other appropriate  
7 personnel. A school district is required to provide the training at  
8 an elementary school campus only to the extent that sufficient  
9 funding and programs are available. A school district may  
10 implement a program on the list to satisfy the requirements of this  
11 subsection.

12 (h) [~~(c-2)~~] If a school district provides the training  
13 under Subsection (g) [~~(c-1)~~]:

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

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

19 (i) [~~(d)~~] A school district shall [~~may~~] develop practices  
20 and procedures concerning each area listed in Subsection (c)  
21 [~~(a-1)~~], including mental health promotion and intervention,  
22 substance abuse prevention and intervention, and suicide  
23 prevention, that:

24 (1) include a procedure for providing notice of a  
25 recommendation for early mental health or substance abuse  
26 intervention regarding a student to a parent or guardian of the  
27 student within a reasonable amount of time after the identification

1 of early warning signs as described by Subsection (e)(2) [~~(b)(2)~~];

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

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

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

16 (5) include procedures:

17 (A) to support the return of a student to school  
18 following hospitalization or residential treatment for a mental  
19 health condition or substance abuse; and

20 (B) for suicide prevention, intervention, and  
21 postvention.

22 (j) [~~(e)~~] The practices and procedures developed under  
23 Subsection (i):

24 (1) may address multiple areas listed in Subsection  
25 (c) together; and

26 (2) [~~(d)~~] must prohibit the use without the prior  
27 consent of a student's parent or guardian of a medical screening of

1 the student as part of the process of identifying whether the  
2 student is possibly in need of early mental health or substance  
3 abuse intervention or suicide prevention.

4 (k) [~~(f)~~] The practices and procedures developed under  
5 Subsection (i) [~~(d)~~] must be included in:

- 6 (1) the annual student handbook; and
- 7 (2) the district improvement plan under Section  
8 [11.252](#) [~~, Education Code~~].

9 (1) The agency shall develop and make available to school  
10 districts guiding principles on the coordination of programs and  
11 practices in areas listed under Subsection (c).

12 (m) [~~(g)~~ The agency, the Health and Human Services  
13 Commission, and each regional education service center:

14 (1) [~~department~~] may accept donations for purposes of  
15 this section from sources without a conflict of interest; and

16 (2) [~~The department~~] may not accept donations for  
17 purposes of this section from an anonymous source.

18 (n) [~~(i)~~] Nothing in this section is intended to interfere  
19 with the rights of parents or guardians and the decision-making  
20 regarding the best interest of the child. Practices and procedures  
21 developed in accordance with this section are intended to notify a  
22 parent or guardian of a need for mental health or substance abuse  
23 intervention so that a parent or guardian may take appropriate  
24 action. Nothing in this section shall be construed as giving school  
25 districts the authority to prescribe medications. Any and all  
26 medical decisions are to be made by a parent or guardian of a  
27 student.

1       (o) In this section, "postvention" includes activities that  
2 promote healing necessary to reduce the risk of suicide by a person  
3 affected by the suicide of another.

4       Sec. 38.352 [~~161.326~~]. IMMUNITY. This subchapter does not:

5           (1) waive any immunity from liability of a school  
6 district or of district school officers or employees;

7           (2) create any liability for a cause of action against  
8 a school district or against district school officers or employees;  
9 or

10           (3) waive any immunity from liability under Section  
11 74.151, Civil Practice and Remedies Code.

12       ARTICLE 2. MENTAL HEALTH FIRST AID PROGRAM TRAINING AND REPORTING

13       SECTION 2.01. Section 1001.205, Health and Safety Code, is  
14 amended to read as follows:

15       Sec. 1001.205. REPORTS. (a) Not later than September 30 of  
16 each year, a local mental health authority shall provide to the  
17 department the number of:

18           (1) employees and contractors of the authority who  
19 were trained as mental health first aid trainers under Section  
20 1001.202 during the preceding fiscal year, the number of trainers  
21 who left the program for any reason during the preceding fiscal  
22 year, and the number of active trainers;

23           (2) university employees, school district employees,  
24 and school resource officers who completed a mental health first  
25 aid training program offered by the authority under Section  
26 1001.203 during the preceding fiscal year categorized by local  
27 mental health authority region, university or school district, as



1 applicable, and category of personnel; and

2 (3) individuals who are not university employees,  
3 school district employees, or school resource officers who  
4 completed a mental health first aid training program offered by the  
5 authority during the preceding fiscal year.

6 (b) Not later than December 1 of each year, the department  
7 shall compile the information submitted by local mental health  
8 authorities as required by Subsection (a) and submit a report to the  
9 legislature containing [~~the number of~~]:

10 (1) the number of authority employees and contractors  
11 trained as mental health first aid trainers during the preceding  
12 fiscal year, the number of trainers who left the program for any  
13 reason during the preceding fiscal year, and the number of active  
14 trainers;

15 (2) the number of university employees, school  
16 district employees, and school resource officers who completed a  
17 mental health first aid training program provided by an authority  
18 during the preceding fiscal year categorized by local mental health  
19 authority region, university or school district, as applicable, and  
20 category of personnel; [~~and~~]

21 (3) the number of individuals who are not university  
22 employees, school district employees, or school resource officers  
23 who completed a mental health first aid training program provided  
24 by an authority during the preceding fiscal year; and

25 (4) a detailed accounting of expenditures of money  
26 appropriated for the purpose of implementing this subchapter.

27 (c) The department shall develop and provide to local mental

1 health authorities a form to be used for the reporting of  
2 information required under Subsection (a), including the reporting  
3 of each category of personnel described by that subsection.

4 SECTION 2.02. Subchapter H, Chapter 1001, Health and Safety  
5 Code, is amended by adding Section 1001.207 to read as follows:

6 Sec. 1001.207. PROGRAM PROMOTION. (a) The commission shall  
7 make available on its official Internet website information about  
8 the mental health first aid training program for the purpose of  
9 promoting public awareness of the program. An electronic link to an  
10 outside source of information is not sufficient.

11 (b) The Texas Education Agency shall make available on its  
12 official Internet website information about the mental health first  
13 aid training program for the purpose of promoting public awareness  
14 of the program. An electronic link to an outside source of  
15 information is not sufficient.

16 ARTICLE 3. CONFORMING AMENDMENTS

17 SECTION 3.01. Section 74.151(e), Civil Practice and  
18 Remedies Code, is amended to read as follows:

19 (e) Except as provided by this subsection, this section does  
20 not apply to a person whose negligent act or omission was a  
21 producing cause of the emergency for which care is being  
22 administered. This subsection does not apply to liability of a  
23 school district or district school officer or employee arising from  
24 an act or omission under a program or practice [~~policy~~] or procedure  
25 developed [~~adopted~~] under Subchapter G, Chapter 38, Education [~~0-1,~~  
26 ~~Chapter 161, Health and Safety~~] Code, other than liability arising  
27 from wilful or intentional misconduct.

1 SECTION 3.02. Section 38.0141(a), Education Code, is  
2 amended to read as follows:

3 (a) Each school district shall provide to the agency  
4 information as required by the commissioner, including statistics  
5 and data, relating to student health and physical activity and  
6 information described by Sections 28.004(k)(2), (3), and (4)  
7 [~~Section 28.004(k),~~] presented in a form determined by the  
8 commissioner. The district shall provide the information required  
9 by this subsection for the district and for each campus in the  
10 district.

11 ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

12 SECTION 4.01. The following provisions of the Education  
13 Code are repealed:

14 (1) Section 21.463; and

15 (2) Section 28.002(w).

16 SECTION 4.02. (a) Not later than May 1, 2020:

17 (1) the State Board for Educator Certification shall  
18 propose rules under Section 21.054, Education Code, to comply with  
19 the changes in law made to that section by this Act; and

20 (2) the Texas Education Agency, in cooperation with  
21 the Health and Human Services Commission, shall develop the  
22 guidelines required by Section 38.0591, Education Code, as added by  
23 this Act.

24 (b) Not later than August 1, 2020, the Texas Education  
25 Agency, in coordination with the Health and Human Services  
26 Commission and regional education service centers, shall provide a  
27 list of recommended best practice-based programs as required by

1 Section 38.351, Education Code, as transferred, redesignated,  
2 reenacted, and amended by this Act.

3 SECTION 4.03. Any change in law made by this Act that  
4 imposes a new duty or requirement on a school district or an  
5 open-enrollment charter school applies beginning with the  
6 2020-2021 school year.

7 SECTION 4.04. (a) Section 1001.205(a), Health and Safety  
8 Code, as amended by this Act, applies only to a report due under  
9 that subsection after December 31, 2019. A report due under that  
10 subsection before that date is governed by the law in effect  
11 immediately before the effective date of this Act, and that law is  
12 continued in effect for that purpose.

13 (b) Section 1001.205(b), Health and Safety Code, as amended  
14 by this Act, applies only to a report due under that subsection  
15 after March 1, 2020. A report due under that subsection before that  
16 date is governed by the law in effect immediately before the  
17 effective date of this Act, and that law is continued in effect for  
18 that purpose.

19 (c) Not later than May 1, 2020, the Health and Human  
20 Services Commission shall develop and make available the form  
21 required under Section 1001.205(c), Health and Safety Code, as  
22 added by this Act.

23 SECTION 4.05. Not later than March 1, 2020, the Health and  
24 Human Services Commission and the Texas Education Agency shall  
25 update their Internet websites to include the information required  
26 by Section 1001.207, Health and Safety Code, as added by this Act.

27 SECTION 4.06. This Act takes effect December 1, 2019.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 18 was passed by the House on April 16, 2019, by the following vote: Yeas 129, Nays 14, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 18 was passed by the Senate on May 15, 2019, by the following vote: Yeas 23, Nays 8.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor