

By: Price

H.B. No. 18

A BILL TO BE ENTITLED

1 AN ACT
2 relating to consideration of the mental health of public school
3 students in training requirements for certain school employees,
4 curriculum requirements, counseling programs, educational
5 programs, state and regional programs and services, and health care
6 services for students and to mental health first aid program
7 training and reporting regarding local mental health authority and
8 school district personnel.

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

10 ARTICLE 1. MENTAL HEALTH OF STUDENTS IN PUBLIC SCHOOLS

11 SECTION 1.01. Section 5.001, Education Code, is amended by
12 adding Subdivision (9) to read as follows:

13 (9) "Substance abuse" means a patterned use of a
14 substance, including a controlled substance, as defined by Chapter
15 481, Health and Safety Code, and alcohol, in which the person
16 consumes the substance in amounts or with methods that are harmful
17 to the person's self or to others.

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

20 (a) Each school district shall have a district improvement
21 plan that is developed, evaluated, and revised annually, in
22 accordance with district policy, by the superintendent with the
23 assistance of the district-level committee established under
24 Section 11.251. The purpose of the district improvement plan is to

1 guide district and campus staff in the improvement of student
2 performance for all student groups in order to attain state
3 standards in respect to the achievement indicators adopted under
4 Section 39.053(c). The district improvement plan must include
5 provisions for:

6 (1) a comprehensive needs assessment addressing
7 district student performance on the achievement indicators, and
8 other appropriate measures of performance, that are disaggregated
9 by all student groups served by the district, including categories
10 of ethnicity, socioeconomic status, sex, and populations served by
11 special programs, including students in special education programs
12 under Subchapter A, Chapter 29;

13 (2) measurable district performance objectives for
14 all appropriate achievement indicators for all student
15 populations, including students in special education programs
16 under Subchapter A, Chapter 29, and other measures of student
17 performance that may be identified through the comprehensive needs
18 assessment;

19 (3) strategies for improvement of student performance
20 that include:

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

23 (B) ~~methods~~ evidence-based practices for
24 addressing the needs of students for special programs, including:

25 (i) suicide prevention programs, in
26 accordance with Subchapter G [~~0-1~~], Chapter 38 [~~161, Health and~~
27 ~~Safety Code~~], which include [~~includes~~] a parental or guardian

1 notification procedure;

2 (ii) conflict resolution programs;

3 (iii) violence prevention programs; and

4 (iv) dyslexia treatment programs;

5 (C) dropout reduction;

6 (D) integration of technology in instructional
7 and administrative programs;

8 (E) positive behavior interventions and support,
9 including interventions and support that integrate best practices
10 on grief-informed and trauma-informed care [~~discipline~~
11 ~~management~~];

12 (F) staff development for professional staff of
13 the district;

14 (G) career education to assist students in
15 developing the knowledge, skills, and competencies necessary for a
16 broad range of career opportunities; [~~and~~]

17 (H) accelerated education; and

18 (I) implementation of a comprehensive school
19 counseling program under Section 33.005;

20 (4) strategies for providing to elementary school,
21 middle school, junior high school, and high school students, those
22 students' teachers and school counselors, and those students'
23 parents information about:

24 (A) higher education admissions and financial
25 aid opportunities, including state financial aid opportunities
26 such as [+

27 [~~(B)~~] the TEXAS grant program and the Teach for

1 Texas grant program established under Chapter 56;

2 (B) [~~(C)~~] the need for students to make informed
3 curriculum choices to be prepared for success beyond high school;
4 and

5 (C) [~~(D)~~] sources of information on higher
6 education admissions and financial aid;

7 (5) resources needed to implement identified
8 strategies;

9 (6) staff responsible for ensuring the accomplishment
10 of each strategy;

11 (7) timelines for ongoing monitoring of the
12 implementation of each improvement strategy;

13 (8) formative evaluation criteria for determining
14 periodically whether strategies are resulting in intended
15 improvement of student performance; and

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

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

20 (c-1) Any minimum academic qualifications for a certificate
21 specified under Subsection (a) that require a person to possess a
22 bachelor's degree must also require that the person receive, as
23 part of the training required to obtain that certificate,
24 instruction regarding mental health, substance abuse, and youth
25 suicide. The instruction required must:

26 (1) be provided through:

27 (A) a program selected from the list of

1 recommended best practice-based programs and research-based
2 practices established under Section 38.351; or

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

6 (2) include effective strategies [~~for teaching and~~
7 ~~intervening with students with mental or emotional disorders~~],
8 including de-escalation techniques and positive behavioral
9 interventions and supports, for teaching and intervening with
10 students with mental health conditions or who engage in substance
11 abuse.

12 SECTION 1.04. Sections 21.054(d), (d-2), (e), (e-2), (f),
13 and (g), Education Code, are amended to read as follows:

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

17 (1) collecting and analyzing information that will
18 improve effectiveness in the classroom;

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

21 (3) digital learning, digital teaching, and
22 integrating technology into classroom instruction;

23 (4) educating diverse student populations, including:

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

27 (B) students who are eligible to receive

1 educational services required under Section 504, Rehabilitation
2 Act of 1973 (29 U.S.C. Section 794);

3 (C) students with mental health conditions or who
4 engage in substance abuse;

5 (D) students with intellectual or developmental
6 disabilities;

7 (E) students who are educationally
8 disadvantaged;

9 (F) [~~(C)~~] students of limited English
10 proficiency; and

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

13 (5) understanding appropriate relationships,
14 boundaries, and communications between educators and students;
15 and[~~]~~

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

22 (d-2) The instruction required under Subsection (d)(6) must
23 be:

24 (1) based on relevant best practice-based programs and
25 research-based practices; and

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

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

4 (1) effective and efficient management, including:

5 (A) collecting and analyzing information;

6 (B) making decisions and managing time; and

7 (C) supervising student discipline and managing
8 behavior;

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

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

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

15 (5) mental health programs addressing a mental health
16 condition;

17 (6) educating diverse student populations, including:

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

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

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

26 (D) students with mental health conditions or who
27 engage in substance abuse;

1 (E) students who are educationally
2 disadvantaged;

3 (F) [~~(C)~~] students of limited English
4 proficiency; and

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

7 (7) [~~(5)~~] preventing, recognizing, and reporting any
8 sexual conduct between an educator and student that is prohibited
9 under Section 21.12, Penal Code, or for which reporting is required
10 under Section 21.006 of this code; and [~~-~~]

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

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

19 (1) based on relevant best practice-based programs and
20 research-based practices; and

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

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

26 (1) assisting students in developing high school
27 graduation plans;

1 (2) implementing dropout prevention strategies; ~~and~~

2 (3) informing students concerning:

3 (A) college admissions, including college
4 financial aid resources and application procedures; and

5 (B) career opportunities;

6 (4) counseling students concerning mental health
7 conditions and substance abuse, including through the use of
8 grief-informed and trauma-informed interventions and crisis
9 management and suicide prevention strategies; and

10 (5) effective implementation of a comprehensive
11 school counseling program under Section 33.005.

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

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

3 (d) The staff development:

4 (1) may include training in:

5 (A) technology;

6 (B) positive behavior intervention and support
7 ~~[conflict resolution,~~

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

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

13 (C) ~~[(E)]~~ digital learning;

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

18 (A) relates to instruction of students with
19 disabilities, including students with disabilities who also have
20 other intellectual or mental health conditions; and

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

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

24 (A) suicide prevention;

25 (B) recognizing signs of mental health
26 conditions and substance abuse;

27 (C) strategies for establishing and maintaining

1 positive relationships among students, including conflict
2 resolution;

3 (D) how grief and trauma affect student learning
4 and behavior and how evidence-based, grief-informed, and
5 trauma-informed strategies support the academic success of
6 students affected by grief and trauma; and

7 (E) preventing, identifying, responding to, and
8 reporting incidents of bullying.

9 (d-1) The training required by Subsection (d)(3) [that]
10 must:

11 (1) be provided:

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

15 (B) to existing school district and
16 open-enrollment charter school educators on a schedule adopted by
17 the agency by rule; and [-]

18 (2) [-(d-1) The suicide prevention training required by
19 Subsection (d)(3) must] use a best practice-based program
20 recommended by the Health and Human Services Commission [Department
21 of State Health Services] in coordination with the agency under
22 Section 38.351 [161.325, Health and Safety Code].

23 SECTION 1.06. Section 21.462, Education Code, is amended to
24 read as follows:

25 Sec. 21.462. RESOURCES REGARDING STUDENTS WITH MENTAL
26 HEALTH OR SUBSTANCE ABUSE CONDITIONS [NEEDS]. The agency, in
27 coordination with the Health and Human Services Commission, shall

1 establish and maintain an Internet website to provide resources for
2 school district or open-enrollment charter school employees
3 regarding working with students with mental health conditions or
4 who engage in substance abuse. The agency must include on the
5 Internet website information about:

- 6 (1) grief-informed and trauma-informed practices;
- 7 (2) building skills related to managing emotions,
8 establishing and maintaining positive relationships, and
9 responsible decision-making;
- 10 (3) positive behavior interventions and supports; and
- 11 (4) a safe and supportive school climate.

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

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

- 16 (1) a foundation curriculum that includes:
 - 17 (A) English language arts;
 - 18 (B) mathematics;
 - 19 (C) science; and
 - 20 (D) social studies, consisting of Texas, United
21 States, and world history, government, economics, with emphasis on
22 the free enterprise system and its benefits, and geography; and
- 23 (2) an enrichment curriculum that includes:
 - 24 (A) to the extent possible, languages other than
25 English;
 - 26 (B) health, with emphasis on:
 - 27 (i) physical health, including the

1 importance of proper nutrition and exercise; and
2 (ii) mental health, including instruction
3 about mental health conditions, substance abuse, skills to manage
4 emotions, establishing and maintaining positive relationships, and
5 responsible decision-making;

6 (C) physical education;

7 (D) fine arts;

8 (E) career and technology education;

9 (F) technology applications;

10 (G) religious literature, including the Hebrew
11 Scriptures (Old Testament) and New Testament, and its impact on
12 history and literature; and

13 (H) personal financial literacy.

14 (r) In adopting the essential knowledge and skills for the
15 health curriculum under Subsection (a)(2)(B), the State Board of
16 Education shall adopt essential knowledge and skills that address
17 the science, risk factors, causes, dangers, [causes,
18 consequences, signs, symptoms, and treatment of substance abuse,
19 including the use of illegal drugs, abuse of prescription drugs,
20 abuse of alcohol such as by binge drinking or other excessive
21 drinking resulting in [and] alcohol poisoning, inhaling solvents,
22 and other forms of substance abuse. The agency shall compile a list
23 of evidence-based substance abuse [alcohol] awareness programs
24 from which a school district shall choose a program to use in the
25 district's middle school, junior high school, and high school
26 health curriculum. In this subsection, "evidence-based substance
27 abuse [alcohol] awareness program" means a program, practice, or

1 strategy that has been proven to effectively prevent substance
2 abuse [~~or delay alcohol use~~] among students, as determined by
3 evaluations that are evidence-based [~~use valid and reliable~~
4 ~~measures and that are published in peer-reviewed journals~~].

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

7 (c) The local school health advisory council's duties
8 include recommending:

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

11 (A) health education in kindergarten through
12 grade eight; and

13 (B) if the school district requires health
14 education for high school graduation, health education, including
15 physical health education and mental health education, in grades 9
16 through 12;

17 (2) policies, procedures, strategies, and curriculum
18 appropriate for specific grade levels designed to prevent physical
19 health concerns, including obesity, cardiovascular disease, Type 2
20 diabetes, and mental health concerns through coordination of:

21 (A) health education, which must address
22 physical health concerns and mental health concerns to ensure the
23 integration of physical health education and mental health
24 education;

25 (B) physical education and physical activity;

26 (C) nutrition services;

27 (D) parental involvement;

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

4 (F) school health services, including mental
5 health services;

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

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

9 (I) school employee wellness;

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

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

15 (A) school health services, including physical
16 health services and mental health services, if provided at a campus
17 by the district or by a third party under a contract with the
18 district;

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

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

22 (D) school employee wellness; and

23 (5) if feasible, joint use agreements or strategies
24 for collaboration between the school district and community
25 organizations or agencies.

26 (d) The board of trustees shall appoint at least five
27 members to the local school health advisory council. A majority of

1 the members must be persons who are parents of students enrolled in
2 the district and who are not employed by the district. One of those
3 members shall serve as chair or co-chair of the council. The board
4 of trustees also may appoint one or more persons from each of the
5 following groups or a representative from a group other than a group
6 specified under this subsection:

7 (1) classroom [~~public school~~] teachers employed by the
8 district;

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

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

13 (4) [~~3~~] district students;

14 (5) [~~4~~] health care professionals licensed or
15 certified to practice in this state, including medical or mental
16 health professionals;

17 (6) [~~5~~] the business community;

18 (7) [~~6~~] law enforcement;

19 (8) [~~7~~] senior citizens;

20 (9) [~~8~~] the clergy;

21 (10) [~~9~~] nonprofit health organizations; and

22 (11) [~~10~~] local domestic violence programs.

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

26 (1) a statement of the policies and procedures adopted
27 to promote the physical health and mental health of students, the

1 physical health and mental health resources available at each
2 campus, contact information for the nearest providers of essential
3 public health services under Chapter 121, Health and Safety Code,
4 and the contact information for the nearest local mental health
5 authority;

6 (2) a statement of the policies adopted to ensure that
7 elementary school, middle school, and junior high school students
8 engage in at least the amount and level of physical activity
9 required by Section 28.002(1);

10 (3) [~~(2)~~] a statement of:

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

13 (B) whether the district has adopted and enforces
14 policies to ensure that district campuses comply with agency
15 vending machine and food service guidelines for restricting student
16 access to vending machines; and

17 (C) whether the district has adopted and enforces
18 policies and procedures that prescribe penalties for the use of
19 e-cigarettes, as defined by Section 38.006, and tobacco products by
20 students and others on school campuses or at school-sponsored or
21 school-related activities; and

22 (4) [~~(3)~~] a statement providing notice to parents that
23 they can request in writing their child's physical fitness
24 assessment results at the end of the school year; and

25 (5) a statement providing notice to parents if the
26 campus does not employ a full-time school counselor or nurse.

27 SECTION 1.09. Section 29.012(d), Education Code, is amended

1 to read as follows:

2 (d) The agency [~~Texas Education Agency~~], the Health and
3 Human Services Commission, the Texas Workforce Commission, and the
4 Department of Family and Protective Services [~~Texas Department of~~
5 ~~Mental Health and Mental Retardation, the Texas Department of Human~~
6 ~~Services, the Texas Department of Health, the Department of~~
7 ~~Protective and Regulatory Services, the Interagency Council on~~
8 ~~Early Childhood Intervention, the Texas Commission on Alcohol and~~
9 ~~Drug Abuse, and the Texas Juvenile Justice Department]~~ by a
10 cooperative effort shall develop and by rule adopt a memorandum of
11 understanding. The memorandum must:

12 (1) establish the respective responsibilities of
13 school districts and of residential facilities for the provision of
14 a free, appropriate public education, as required by the
15 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
16 et seq.) and its subsequent amendments, including each requirement
17 for children with disabilities who reside in those facilities;

18 (2) coordinate regulatory and planning functions of
19 the parties to the memorandum;

20 (3) establish criteria for determining when a public
21 school will provide educational services;

22 (4) provide for appropriate educational space when
23 education services will be provided at the residential facility;

24 (5) establish measures designed to ensure the safety
25 of students and teachers; and

26 (6) provide for binding arbitration consistent with
27 Chapter 2009, Government Code, and Section 154.027, Civil Practice

1 and Remedies Code.

2 SECTION 1.10. Section 30.0015(b), Education Code, is
3 amended to read as follows:

4 (b) The agency by rule shall develop and annually
5 disseminate standards for a school district's transfer of an
6 assistive technology device to an entity listed in this subsection
7 when a student with a disability using the device changes the school
8 of attendance in the district or ceases to attend school in the
9 district that purchased the device and the student's parents, or
10 the student if the student has the legal capacity to enter into a
11 contract, agrees to the transfer. The device may be transferred to:

12 (1) the school or school district in which the student
13 enrolls;

14 (2) a state agency, including the Health and Human
15 Services [~~Texas Rehabilitation~~] Commission and the Texas Workforce
16 Commission [~~Department of Mental Health and Mental Retardation~~],
17 that provides services to the student following the student's
18 graduation from high school; or

19 (3) the student's parents, or the student if the
20 student has the legal capacity to enter into a contract.

21 SECTION 1.11. Section 30.002(b), Education Code, is amended
22 to read as follows:

23 (b) The agency shall:

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

27 (2) supervise regional education service centers and

1 other entities in assisting school districts in serving children
2 with visual impairments more effectively;

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

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

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

17 SECTION 1.12. Section [33.004](#)(b), Education Code, is amended
18 to read as follows:

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

27 SECTION 1.13. Section [33.005](#), Education Code, is amended to

1 read as follows:

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

9 The school counselor shall design the program to 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 1.14. 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 may
27 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 1.15. 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 1.16. 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 1.17. 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 1.18. 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 1.19. 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 person
8 provides written consent for the type of service to be provided and
9 provides specific written consent for each treatment occasion or
10 for a course of treatment that includes multiple treatment
11 occasions of the same type of service.

12 SECTION 1.20. 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 1.21. 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 1.22. 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 1.23. 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 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;
5 (5) ~~[(6) trauma-informed practices,~~
6 ~~[(6)]~~ grief-informed and trauma-informed practices;
7 (6) ~~[(7) building skills related to managing~~
8 ~~emotions, establishing and maintaining positive relationships, and~~
9 ~~responsible decision-making,~~
10 ~~[(7)]~~ positive school climates; ~~[and]~~
11 (7) ~~[(8)]~~ positive behavior interventions and
12 supports;
13 (8) ~~[positive behavior interventions and supports~~
14 ~~and]~~ positive youth development; and
15 (9) safe and supportive school climate.
16 (d) ~~[(a-2) The department, the Texas Education Agency, and~~
17 ~~each regional education service center shall make the list easily~~
18 ~~accessible on their websites.~~
19 ~~[(a-3)]~~ For purposes of Subsection (c) ~~[(a-1)]~~, "school
20 climate" means the quality and character of school life, including
21 interpersonal relationships, teaching and learning practices, and
22 organizational structures, as experienced by students enrolled in
23 the school district, parents of those students, and personnel
24 employed by the district.
25 (e) ~~[(b)]~~ The suicide prevention programs on the list
26 provided under Subsection (a) must include components that provide
27 for training school counselors, teachers, nurses, administrators,

1 and other staff, as well as law enforcement officers and social
2 workers who regularly interact with students, to:

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

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

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

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

20 (1) any existing suicide prevention method developed
21 by a school district; and

22 (2) any Internet or online course or program developed
23 in this state or another state that is based on best practices
24 recognized by the Substance Abuse and Mental Health Services
25 Administration or the Suicide Prevention Resource Center.

26 (g) [~~(e-1)~~] Except as otherwise provided by this
27 subsection, each school district shall provide training described

1 in the components set forth under Subsection (e) [~~(b)~~] for
2 teachers, school counselors, principals, and all other appropriate
3 personnel. A school district is required to provide the training at
4 an elementary school campus only to the extent that sufficient
5 funding and programs are available. A school district may
6 implement a program on the list to satisfy the requirements of this
7 subsection.

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

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

12 (2) the school district shall maintain records that
13 include the name of each district employee who participated in the
14 training.

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

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

25 (2) include a procedure for providing notice of a
26 student identified as at risk of attempting [~~committing~~] suicide to
27 a parent or guardian of the student within a reasonable amount of

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

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

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

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

14 (1) may address multiple areas listed in Subsection
15 (c) together; and

16 (2) [~~(d)~~] must prohibit the use without the prior
17 consent of a student's parent or guardian of a medical screening of
18 the student as part of the process of identifying whether the
19 student is possibly in need of early mental health or substance
20 abuse intervention or suicide prevention.

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

23 (1) the annual student handbook; and

24 (2) the district improvement plan under Section
25 [11.252](#) [~~7, Education Code~~].

26 (1) The agency shall develop and make available to school
27 districts guiding principles on the coordination of programs and

1 practices in areas listed under Subsection (c).

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

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

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

8 (n) [~~(i)~~] Nothing in this section is intended to interfere
9 with the rights of parents or guardians and the decision-making
10 regarding the best interest of the child. Practices and procedures
11 developed in accordance with this section are intended to notify a
12 parent or guardian of a need for mental health or substance abuse
13 intervention so that a parent or guardian may take appropriate
14 action. Nothing in this section shall be construed as giving school
15 districts the authority to prescribe medications. Any and all
16 medical decisions are to be made by a parent or guardian of a
17 student.

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

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

21 (2) create any liability for a cause of action against
22 a school district or against district school officers or employees;
23 or

24 (3) waive any immunity from liability under Section
25 74.151, Civil Practice and Remedies Code.

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

27 SECTION 2.01. Section 1001.205, Health and Safety Code, is

1 amended to read as follows:

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

5 (1) employees and contractors of the authority who
6 were trained as mental health first aid trainers under Section
7 1001.202 during the preceding fiscal year, the number of trainers
8 who left the program for any reason during the preceding fiscal
9 year, and the number of active trainers;

10 (2) university employees, school district employees,
11 and school resource officers who completed a mental health first
12 aid training program offered by the authority under Section
13 1001.203 during the preceding fiscal year categorized by local
14 mental health authority region, university or school district, as
15 applicable, and category of personnel; and

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

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

24 (1) the number of authority employees and contractors
25 trained as mental health first aid trainers during the preceding
26 fiscal year, the number of trainers who left the program for any
27 reason during the preceding fiscal year, and the number of active

1 trainers;

2 (2) the number of university employees, school
3 district employees, and school resource officers who completed a
4 mental health first aid training program provided by an authority
5 during the preceding fiscal year categorized by local mental health
6 authority region, university or school district, as applicable, and
7 category of personnel; ~~and~~

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

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

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

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

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

26 ARTICLE 3. CONFORMING AMENDMENTS

27 SECTION 3.01. Section 74.151(e), Civil Practice and

1 Remedies Code, is amended to read as follows:

2 (e) Except as provided by this subsection, this section does
3 not apply to a person whose negligent act or omission was a
4 producing cause of the emergency for which care is being
5 administered. This subsection does not apply to liability of a
6 school district or district school officer or employee arising from
7 an act or omission under a program or practice [~~policy~~] or procedure
8 developed [~~adopted~~] under Subchapter G, Chapter 38, Education [~~O-1,~~
9 ~~Chapter 161, Health and Safety~~] Code, other than liability arising
10 from wilful or intentional misconduct.

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

13 (a) Each school district shall provide to the agency
14 information as required by the commissioner, including statistics
15 and data, relating to student health and physical activity and
16 information described by Sections 28.004(k)(2), (3), and (4)
17 [~~Section 28.004(k),~~] presented in a form determined by the
18 commissioner. The district shall provide the information required
19 by this subsection for the district and for each campus in the
20 district.

21 ARTICLE 4. REPEALER; TRANSITION; EFFECTIVE DATE

22 SECTION 4.01. The following provisions of the Education
23 Code are repealed:

- 24 (1) Section 21.463; and
25 (2) Section 28.002(w).

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

- 27 (1) the State Board for Educator Certification shall

1 propose rules under Section 21.054, Education Code, to comply with
2 the changes in law made to that section by this Act; and

3 (2) the Texas Education Agency, in cooperation with
4 the Health and Human Services Commission, shall develop the
5 guidelines required by Section 38.0591, Education Code, as added by
6 this Act.

7 (b) Not later than August 1, 2020, the Texas Education
8 Agency, in coordination with the Health and Human Services
9 Commission and regional education service centers, shall provide a
10 list of recommended best practice-based programs as required by
11 Section 38.351, Education Code, as transferred, redesignated,
12 reenacted, and amended by this Act.

13 SECTION 4.03. Any change in law made by this Act that
14 imposes a new duty or requirement on a school district or an
15 open-enrollment charter school applies beginning with the
16 2020-2021 school year.

17 SECTION 4.04. (a) Section 1001.205(a), Health and Safety
18 Code, as amended by this Act, applies only to a report due under
19 that subsection after December 31, 2019. A report due under that
20 subsection before that date is governed by the law in effect
21 immediately before the effective date of this Act, and that law is
22 continued in effect for that purpose.

23 (b) Section 1001.205(b), Health and Safety Code, as amended
24 by this Act, applies only to a report due under that subsection
25 after March 1, 2020. A report due under that subsection before that
26 date is governed by the law in effect immediately before the
27 effective date of this Act, and that law is continued in effect for

1 that purpose.

2 (c) Not later than May 1, 2020, the Health and Human
3 Services Commission shall prescribe a form for the report required
4 of a local mental health authority under Section 1001.205(aa),
5 Health and Safety Code, as amended by this Act, that includes
6 categories of personnel to be reported.

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

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