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H.B. No. 906

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a collaborative task force to
study certain public school mental health services.

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

SECTION 1. Chapter 38, Education Code, is amended by adding
Subchapter F to read as follows:

SUBCHAPTER F. COLLABORATIVE TASK FORCE ON PUBLIC SCHOOL MENTAL

HEALTH SERVICES

Sec. 38.301. DEFINITIONS. In this subchapter:

(1) "Institution of higher education" has the meaning
assigned by Section 61.003.

(2) "Task force" means the Collaborative Task Force on
Public School Mental Health Services.

Sec. 38.302. ESTABLISHMENT. The Collaborative Task Force
on Public School Mental Health Services is established to study and
evaluate:

(1) mental health services that are funded by this
state and provided at a school district or open-enrollment charter
school directly to:

(A) a student enrolled in the district or school;

(B) a parent or family member of or person
standing in parental relation to a student enrolled in the district
or school; or

(C) an employee of the district or school;

1 (2) training provided to an educator employed by the
2 district or school to provide the mental health services described
3 by Subdivision (1); and

4 (3) the impact the mental health services described by
5 Subdivision (1) have on:

6 (A) the physical and emotional safety and
7 well-being of the individuals who are provided the mental health
8 services described by Subdivision (1);

9 (B) the number of violent incidents that occur at
10 school districts or open-enrollment charter schools;

11 (C) the suicide rate of the individuals who are
12 provided the mental health services described by Subdivision (1);

13 (D) the number of referrals to the Department of
14 Family and Protective Services for investigation services
15 regarding the students described by Subdivision (1)(A); and

16 (E) the number of individuals who are transported
17 from each school district or open-enrollment charter school for an
18 emergency detention under Chapter 573, Health and Safety Code.

19 Sec. 38.303. MEMBERSHIP. (a) The task force is composed
20 of:

21 (1) the commissioner or the commissioner's designee;

22 (2) the following additional members appointed by the
23 commissioner:

24 (A) three parents of students who are enrolled in
25 school districts or open-enrollment charter schools and receive the
26 mental health services described by Section 38.302(1);

27 (B) one person who provides the mental health

1 services described by Section 38.302(1) or the training described
2 by Section 38.302(2) and who is:

3 (i) a licensed professional counselor, as
4 defined by Section 503.002, Occupations Code;

5 (ii) a licensed clinical social worker, as
6 defined by Section 505.002, Occupations Code; or

7 (iii) a school counselor certified under
8 Subchapter B, Chapter 21;

9 (C) one person who is a psychiatrist;

10 (D) two persons who are administrators of
11 districts or schools that provide the mental health services
12 described by Section 38.302(1) or the training described by Section
13 38.302(2);

14 (E) one person who is a member of a foundation
15 that invests in the mental health services described by Section
16 38.302(1) or the training described by Section 38.302(2);

17 (F) one person who is an employee of an
18 institution of higher education designated under Section 38.307;
19 and

20 (G) one person who is a licensed specialist in
21 school psychology, as defined by Section 501.002, Occupations Code;
22 and

23 (3) for any other entity the task force considers
24 necessary, one person appointed by the task force for each such
25 entity.

26 (b) Appointments to the task force shall be made without
27 regard to the race, color, disability, sex, religion, age, or

1 national origin of the appointee.

2 (c) Chapter 2110, Government Code, does not apply to the
3 task force.

4 Sec. 38.304. OFFICERS. (a) The commissioner is designated
5 as the interim presiding officer for purposes of calling and
6 conducting the initial meeting of the task force.

7 (b) The task force:

8 (1) shall at its initial meeting select a presiding
9 officer from among its members for the purpose of calling and
10 conducting meetings; and

11 (2) may select an assistant presiding officer and a
12 secretary from among its members.

13 Sec. 38.305. COMPENSATION; REIMBURSEMENT. A member of the
14 task force may not receive compensation or reimbursement for
15 service on the task force.

16 Sec. 38.306. MEETINGS. (a) After its initial meeting, the
17 task force shall meet at least twice each year at a time and place
18 determined by the presiding officer.

19 (b) The task force may meet at other times the task force
20 considers appropriate. The presiding officer may call a meeting on
21 the officer's own motion.

22 (c) The task force may meet by teleconference.

23 Sec. 38.307. SUPPORT SERVICES FOR TASK FORCE. (a) The
24 commissioner shall designate one institution of higher education
25 with experience in evaluating mental health services to serve as
26 the lead institution for the task force. The institution
27 designated under this subsection shall provide faculty, staff, and

1 administrative support services to the task force as determined
2 necessary by the task force to administer this subchapter.

3 (b) The commissioner shall designate two institutions of
4 higher education with experience in evaluating mental health
5 services to assist the task force and the lead institution
6 designated under Subsection (a) as determined necessary by the task
7 force to administer this subchapter.

8 (c) In making a designation under this section, the
9 commissioner shall give preference to at least one predominantly
10 black institution, as defined by 20 U.S.C. Section 1067q(c)(9).

11 (d) On request of the task force, the agency, a school
12 district, or an open-enrollment charter school shall provide
13 information or other assistance to the task force.

14 Sec. 38.308. DUTIES OF TASK FORCE. The task force shall:

15 (1) gather data on:

16 (A) the number of students enrolled in each
17 school district and open-enrollment charter school;

18 (B) the number of individuals to whom each school
19 district or open-enrollment charter school provides the mental
20 health services described by Section 38.302(1);

21 (C) the number of individuals for whom each
22 school district or open-enrollment charter school has the resources
23 to provide the mental health services described by Section
24 38.302(1);

25 (D) the number of individuals described by
26 Paragraph (B) who are referred to an inpatient or outpatient mental
27 health provider;

1 (E) the number of individuals who are transported
2 from each school district or open-enrollment charter school for an
3 emergency detention under Chapter 573, Health and Safety Code; and

4 (F) the race, ethnicity, gender, special
5 education status, educationally disadvantaged status, and
6 geographic location of:

7 (i) individuals who are provided the mental
8 health services described by Section 38.302(1);

9 (ii) individuals who are described by
10 Paragraph (D); and

11 (iii) individuals who are described by
12 Paragraph (E); and

13 (2) study, evaluate, and make recommendations
14 regarding the mental health services described by Section
15 38.302(1), the training described by Section 38.302(2), and the
16 impact of those mental health services, as described by Section
17 38.302(3), including addressing:

18 (A) the outcomes and the effectiveness of the
19 services and training provided, including the outcomes and
20 effectiveness of the service and training providers and the
21 programs under which services and training are provided, in:

22 (i) improving student academic achievement
23 and attendance;

24 (ii) reducing student disciplinary
25 proceedings, suspensions, placements in a disciplinary alternative
26 education program, and expulsions;

27 (iii) providing prevention and

1 intervention services to promote early mental health;

2 (iv) building skills relating to managing
3 emotions, establishing and maintaining positive relationships, and
4 making responsible decisions;

5 (v) preventing substance abuse;

6 (vi) preventing suicides;

7 (vii) adhering to the purpose of the
8 relevant program services or training;

9 (viii) promoting trauma-informed
10 practices;

11 (ix) promoting a positive school climate,
12 as defined by Section 161.325(a-3), Health and Safety Code, in the
13 district or school; and

14 (x) improving physical and emotional safety
15 and well-being in the district or school and reducing violence in
16 the district or school;

17 (B) best practices for districts and schools in
18 implementing the services or training;

19 (C) disparities in the race, ethnicity, gender,
20 special education status, and geographic location of individuals
21 receiving the services; and

22 (D) best practices to replicate the services or
23 training for all districts and schools.

24 Sec. 38.3081. PRIVACY OF INFORMATION. The task force shall
25 ensure that data gathered, information studied, and evaluations
26 conducted under this chapter comply with federal law regarding
27 confidentiality of student medical or educational information,

1 including the Health Insurance Portability and Accountability Act
2 of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational
3 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any
4 state law relating to the privacy of student information.

5 Sec. 38.309. REPORTS. Not later than November 1 of each
6 even-numbered year, the task force shall submit to the governor,
7 the lieutenant governor, the speaker of the house of
8 representatives, and the agency a report of the results of the task
9 force's activities conducted under Section 38.308 and any
10 recommendations for legislative or other action.

11 Sec. 38.310. FUNDING; ADMINISTRATIVE COST RESTRICTION;
12 GIFTS AND GRANTS. (a) Of state funds allocated to the agency for
13 public school mental health services, the commissioner may provide
14 not more than 10 percent for purposes of the task force established
15 under this subchapter.

16 (b) The task force may not spend for the administration of
17 the task force more than 10 percent of any money allocated to the
18 task force for the purpose of this subchapter.

19 (c) The task force may accept a gift or grant from a private
20 individual, a foundation, or the federal government.

21 Sec. 38.311. EXPIRATION. The task force is abolished and
22 this subchapter expires December 1, 2025.

23 SECTION 2. Not later than October 1, 2019, the commissioner
24 of education shall:

25 (1) appoint the members of the Collaborative Task
26 Force on Public School Mental Health Services that are to be
27 appointed by the commissioner, as required by Section 38.303,

1 Education Code, as added by this Act; and

2 (2) designate the institutions of higher education to
3 provide support services, as required by Section 38.307, Education
4 Code, as added by this Act.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2019.