

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 number of violent incidents that occur at
7 school districts or open-enrollment charter schools;

8 (B) the suicide rate of the individuals who are
9 provided the mental health services described by Subdivision (1);

10 (C) the number of public school students referred
11 to the Department of Family and Protective Services for
12 investigation services and the reasons for those referrals;

13 (D) the number of individuals who are transported
14 from each school district or open-enrollment charter school for an
15 emergency detention under Chapter 573, Health and Safety Code; and

16 (E) the number of public school students referred
17 to outside counselors in accordance with Section 38.010.

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

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

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

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

26 (B) one person who provides the mental health
27 services described by Section 38.302(1) or the training described

1 by Section 38.302(2) and who is:

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

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

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

8 (C) one person who is a psychiatrist;

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

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

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

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

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

25 (b) Appointments to the task force shall be made without
26 regard to the race, color, disability, sex, religion, age, or
27 national origin of the appointee.

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

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

6 (b) The task force:

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

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

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

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

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

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

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

1 necessary by the task force to administer this subchapter.

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

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

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

13 (e) The agency shall maintain the data collected by the task
14 force and the work product of the task force in accordance with:

15 (1) the agency's information security plan under
16 Section 2054.133, Government Code; and

17 (2) the agency's records retention schedule under
18 Section 441.185, Government Code.

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

20 (1) gather data on:

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

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

26 (C) the number of individuals for whom each
27 school district or open-enrollment charter school has the resources

1 to provide the mental health services described by Section
2 38.302(1);

3 (D) the number of individuals described by
4 Paragraph (B) who are referred to an inpatient or outpatient mental
5 health provider;

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

9 (F) the race, ethnicity, gender, special
10 education status, educationally disadvantaged status, and
11 geographic location of:

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

14 (ii) individuals who are described by
15 Paragraph (D); and

16 (iii) individuals who are described by
17 Paragraph (E); and

18 (2) study, evaluate, and make recommendations
19 regarding the mental health services described by Section
20 38.302(1), the training described by Section 38.302(2), and the
21 impact of those mental health services, as described by Section
22 38.302(3), including addressing:

23 (A) the outcomes and the effectiveness of the
24 services and training provided, including the outcomes and
25 effectiveness of the service and training providers and the
26 programs under which services and training are provided, in:

27 (i) improving student academic achievement

1 and attendance;
2 (ii) reducing student disciplinary
3 proceedings, suspensions, placements in a disciplinary alternative
4 education program, and expulsions; and
5 (iii) delivering prevention and
6 intervention services to promote early mental health skills,
7 including:
8 (a) building skills relating to
9 managing emotions, establishing and maintaining positive
10 relationships, and making responsible decisions;
11 (b) preventing substance abuse;
12 (c) preventing suicides;
13 (d) adhering to the purpose of the
14 relevant program services or training;
15 (e) promoting trauma-informed
16 practices;
17 (f) promoting a positive school
18 climate, as defined by Section 161.325(a-3), Health and Safety
19 Code, in the district or school; and
20 (g) improving physical and emotional
21 safety and well-being in the district or school and reducing
22 violence in the district or school;
23 (B) best practices for districts and schools in
24 implementing the services or training;
25 (C) disparities in the race, ethnicity, gender,
26 special education status, and geographic location of individuals
27 receiving the services; and

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

3 Sec. 38.309. PRIVACY OF INFORMATION. The task force shall
4 ensure that data gathered, information studied, and evaluations
5 conducted under this subchapter:

6 (1) comply with federal law regarding confidentiality
7 of student medical or educational information, including the Health
8 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
9 Section 1320d et seq.) and the Family Educational Rights and
10 Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law
11 relating to the privacy of student information; and

12 (2) may not be shared with a federal agency or state
13 agency, including an institution of higher education, except as
14 otherwise provided by this subchapter or other law.

15 Sec. 38.310. REPORTS. Not later than November 1 of each
16 even-numbered year, the task force shall submit to the governor,
17 the lieutenant governor, the speaker of the house of
18 representatives, and the agency a report of the results of the task
19 force's activities conducted under Section 38.308 and any
20 recommendations for legislative or other action.

21 Sec. 38.311. FUNDING; ADMINISTRATIVE COST RESTRICTION;
22 GIFTS AND GRANTS. (a) Of state funds allocated to the agency for
23 public school mental health services, the commissioner may provide
24 not more than 10 percent for purposes of the task force established
25 under this subchapter.

26 (b) The task force may not spend for the administration of
27 the task force more than 10 percent of any money allocated to the

1 task force for the purposes of this subchapter.

2 (c) The task force may accept a gift or grant from a person
3 other than the federal government.

4 Sec. 38.312. EXPIRATION. The task force is abolished and
5 this subchapter expires December 1, 2025.

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

8 (1) appoint the members of the Collaborative Task
9 Force on Public School Mental Health Services that are to be
10 appointed by the commissioner, as required by Section 38.303,
11 Education Code, as added by this Act; and

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 906 was passed by the House on April 24, 2019, by the following vote: Yeas 113, Nays 30, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 906 on May 23, 2019, by the following vote: Yeas 126, Nays 14, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 906 was passed by the Senate, with amendments, on May 16, 2019, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor