

1-1 By: Thompson of Harris, et al. H.B. No. 906
 1-2 (Senate Sponsor - Powell, Hall)
 1-3 (In the Senate - Received from the House April 24, 2019;
 1-4 April 25, 2019, read first time and referred to Committee on
 1-5 Education; May 13, 2019, reported adversely, with favorable
 1-6 Committee Substitute by the following vote: Yeas 11, Nays 0;
 1-7 May 13, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			
1-20	X			

1-21 COMMITTEE SUBSTITUTE FOR H.B. No. 906 By: Powell

1-22 A BILL TO BE ENTITLED
 1-23 AN ACT

1-24 relating to the establishment of a collaborative task force to
 1-25 study certain public school mental health services.
 1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-27 SECTION 1. Chapter 38, Education Code, is amended by adding
 1-28 Subchapter F to read as follows:
 1-29 SUBCHAPTER F. COLLABORATIVE TASK FORCE ON PUBLIC SCHOOL MENTAL
 1-30 HEALTH SERVICES
 1-31 Sec. 38.301. DEFINITIONS. In this subchapter:
 1-32 (1) "Institution of higher education" has the meaning
 1-33 assigned by Section 61.003.
 1-34 (2) "Task force" means the Collaborative Task Force on
 1-35 Public School Mental Health Services.
 1-36 Sec. 38.302. ESTABLISHMENT. The Collaborative Task Force
 1-37 on Public School Mental Health Services is established to study and
 1-38 evaluate:
 1-39 (1) mental health services that are funded by this
 1-40 state and provided at a school district or open-enrollment charter
 1-41 school directly to:
 1-42 (A) a student enrolled in the district or school;
 1-43 (B) a parent or family member of or person
 1-44 standing in parental relation to a student enrolled in the district
 1-45 or school; or
 1-46 (C) an employee of the district or school;
 1-47 (2) training provided to an educator employed by the
 1-48 district or school to provide the mental health services described
 1-49 by Subdivision (1); and
 1-50 (3) the impact the mental health services described by
 1-51 Subdivision (1) have on:
 1-52 (A) the number of violent incidents that occur at
 1-53 school districts or open-enrollment charter schools;
 1-54 (B) the suicide rate of the individuals who are
 1-55 provided the mental health services described by Subdivision (1);
 1-56 (C) the number of public school students referred
 1-57 to the Department of Family and Protective Services for
 1-58 investigation services and the reasons for those referrals;
 1-59 (D) the number of individuals who are transported
 1-60 from each school district or open-enrollment charter school for an

2-1 emergency detention under Chapter 573, Health and Safety Code; and
2-2 (E) the number of public school students referred
2-3 to outside counselors in accordance with Section 38.010.

2-4 Sec. 38.303. MEMBERSHIP. (a) The task force is composed
2-5 of:

2-6 (1) the commissioner or the commissioner's designee;
2-7 (2) the following additional members appointed by the
2-8 commissioner:

2-9 (A) three parents of students who are enrolled in
2-10 school districts or open-enrollment charter schools and receive the
2-11 mental health services described by Section 38.302(1);

2-12 (B) one person who provides the mental health
2-13 services described by Section 38.302(1) or the training described
2-14 by Section 38.302(2) and who is:

2-15 (i) a licensed professional counselor, as
2-16 defined by Section 503.002, Occupations Code;

2-17 (ii) a licensed clinical social worker, as
2-18 defined by Section 505.002, Occupations Code; or

2-19 (iii) a school counselor certified under
2-20 Subchapter B, Chapter 21;

2-21 (C) one person who is a psychiatrist;

2-22 (D) two persons who are administrators of
2-23 districts or schools that provide the mental health services
2-24 described by Section 38.302(1) or the training described by Section
2-25 38.302(2);

2-26 (E) one person who is a member of a foundation
2-27 that invests in the mental health services described by Section
2-28 38.302(1) or the training described by Section 38.302(2);

2-29 (F) one person who is an employee of an
2-30 institution of higher education designated under Section 38.307;
2-31 and

2-32 (G) one person who is a licensed specialist in
2-33 school psychology, as defined by Section 501.002, Occupations Code;
2-34 and

2-35 (3) for any other entity the task force considers
2-36 necessary, one person appointed by the task force for each such
2-37 entity.

2-38 (b) Appointments to the task force shall be made without
2-39 regard to the race, color, disability, sex, religion, age, or
2-40 national origin of the appointee.

2-41 (c) Chapter 2110, Government Code, does not apply to the
2-42 task force.

2-43 Sec. 38.304. OFFICERS. (a) The commissioner is designated
2-44 as the interim presiding officer for purposes of calling and
2-45 conducting the initial meeting of the task force.

2-46 (b) The task force:

2-47 (1) shall at its initial meeting select a presiding
2-48 officer from among its members for the purpose of calling and
2-49 conducting meetings; and

2-50 (2) may select an assistant presiding officer and a
2-51 secretary from among its members.

2-52 Sec. 38.305. COMPENSATION; REIMBURSEMENT. A member of the
2-53 task force may not receive compensation or reimbursement for
2-54 service on the task force.

2-55 Sec. 38.306. MEETINGS. (a) After its initial meeting, the
2-56 task force shall meet at least twice each year at a time and place
2-57 determined by the presiding officer.

2-58 (b) The task force may meet at other times the task force
2-59 considers appropriate. The presiding officer may call a meeting on
2-60 the officer's own motion.

2-61 (c) The task force may meet by teleconference.

2-62 Sec. 38.307. SUPPORT SERVICES FOR TASK FORCE. (a) The
2-63 commissioner shall designate one institution of higher education
2-64 with experience in evaluating mental health services to serve as
2-65 the lead institution for the task force. The institution
2-66 designated under this subsection shall provide faculty, staff, and
2-67 administrative support services to the task force as determined
2-68 necessary by the task force to administer this subchapter.

2-69 (b) The commissioner shall designate two institutions of

3-1 higher education with experience in evaluating mental health
3-2 services to assist the task force and the lead institution
3-3 designated under Subsection (a) as determined necessary by the task
3-4 force to administer this subchapter.

3-5 (c) In making a designation under this section, the
3-6 commissioner shall give preference to at least one predominantly
3-7 black institution, as defined by 20 U.S.C. Section 1067q(c)(9).

3-8 (d) On request of the task force, the agency, a school
3-9 district, or an open-enrollment charter school shall provide
3-10 information or other assistance to the task force.

3-11 (e) The agency shall maintain the data collected by the task
3-12 force and the work product of the task force in accordance with:

3-13 (1) the agency's information security plan under
3-14 Section 2054.133, Government Code; and

3-15 (2) the agency's records retention schedule under
3-16 Section 441.185, Government Code.

3-17 Sec. 38.308. DUTIES OF TASK FORCE. The task force shall:

3-18 (1) gather data on:

3-19 (A) the number of students enrolled in each
3-20 school district and open-enrollment charter school;

3-21 (B) the number of individuals to whom each school
3-22 district or open-enrollment charter school provides the mental
3-23 health services described by Section 38.302(1);

3-24 (C) the number of individuals for whom each
3-25 school district or open-enrollment charter school has the resources
3-26 to provide the mental health services described by Section
3-27 38.302(1);

3-28 (D) the number of individuals described by
3-29 Paragraph (B) who are referred to an inpatient or outpatient mental
3-30 health provider;

3-31 (E) the number of individuals who are transported
3-32 from each school district or open-enrollment charter school for an
3-33 emergency detention under Chapter 573, Health and Safety Code; and

3-34 (F) the race, ethnicity, gender, special
3-35 education status, educationally disadvantaged status, and
3-36 geographic location of:

3-37 (i) individuals who are provided the mental
3-38 health services described by Section 38.302(1);

3-39 (ii) individuals who are described by
3-40 Paragraph (D); and

3-41 (iii) individuals who are described by
3-42 Paragraph (E); and

3-43 (2) study, evaluate, and make recommendations
3-44 regarding the mental health services described by Section
3-45 38.302(1), the training described by Section 38.302(2), and the
3-46 impact of those mental health services, as described by Section
3-47 38.302(3), including addressing:

3-48 (A) the outcomes and the effectiveness of the
3-49 services and training provided, including the outcomes and
3-50 effectiveness of the service and training providers and the
3-51 programs under which services and training are provided, in:

3-52 (i) improving student academic achievement
3-53 and attendance;

3-54 (ii) reducing student disciplinary
3-55 proceedings, suspensions, placements in a disciplinary alternative
3-56 education program, and expulsions; and

3-57 (iii) delivering prevention and
3-58 intervention services to promote early mental health skills,
3-59 including:

3-60 (a) building skills relating to
3-61 managing emotions, establishing and maintaining positive
3-62 relationships, and making responsible decisions;

3-63 (b) preventing substance abuse;

3-64 (c) preventing suicides;

3-65 (d) adhering to the purpose of the
3-66 relevant program services or training;

3-67 (e) promoting trauma-informed
3-68 practices;

3-69 (f) promoting a positive school

4-1 climate, as defined by Section 161.325(a-3), Health and Safety
 4-2 Code, in the district or school; and
 4-3 (g) improving physical and emotional
 4-4 safety and well-being in the district or school and reducing
 4-5 violence in the district or school;
 4-6 (B) best practices for districts and schools in
 4-7 implementing the services or training;
 4-8 (C) disparities in the race, ethnicity, gender,
 4-9 special education status, and geographic location of individuals
 4-10 receiving the services; and
 4-11 (D) best practices to replicate the services or
 4-12 training for all districts and schools.

4-13 Sec. 38.309. PRIVACY OF INFORMATION. The task force shall
 4-14 ensure that data gathered, information studied, and evaluations
 4-15 conducted under this subchapter:

4-16 (1) comply with federal law regarding confidentiality
 4-17 of student medical or educational information, including the Health
 4-18 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
 4-19 Section 1320d et seq.) and the Family Educational Rights and
 4-20 Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law
 4-21 relating to the privacy of student information; and

4-22 (2) may not be shared with a federal agency or state
 4-23 agency, including an institution of higher education, except as
 4-24 otherwise provided by this subchapter or other law.

4-25 Sec. 38.310. REPORTS. Not later than November 1 of each
 4-26 even-numbered year, the task force shall submit to the governor,
 4-27 the lieutenant governor, the speaker of the house of
 4-28 representatives, and the agency a report of the results of the task
 4-29 force's activities conducted under Section 38.308 and any
 4-30 recommendations for legislative or other action.

4-31 Sec. 38.311. FUNDING; ADMINISTRATIVE COST RESTRICTION;
 4-32 GIFTS AND GRANTS. (a) Of state funds allocated to the agency for
 4-33 public school mental health services, the commissioner may provide
 4-34 not more than 10 percent for purposes of the task force established
 4-35 under this subchapter.

4-36 (b) The task force may not spend for the administration of
 4-37 the task force more than 10 percent of any money allocated to the
 4-38 task force for the purposes of this subchapter.

4-39 (c) The task force may accept a gift or grant from a person
 4-40 other than the federal government.

4-41 Sec. 38.312. EXPIRATION. The task force is abolished and
 4-42 this subchapter expires December 1, 2025.

4-43 SECTION 2. Not later than October 1, 2019, the commissioner
 4-44 of education shall:

4-45 (1) appoint the members of the Collaborative Task
 4-46 Force on Public School Mental Health Services that are to be
 4-47 appointed by the commissioner, as required by Section 38.303,
 4-48 Education Code, as added by this Act; and

4-49 (2) designate the institutions of higher education to
 4-50 provide support services, as required by Section 38.307, Education
 4-51 Code, as added by this Act.

4-52 SECTION 3. This Act takes effect immediately if it receives
 4-53 a vote of two-thirds of all the members elected to each house, as
 4-54 provided by Section 39, Article III, Texas Constitution. If this
 4-55 Act does not receive the vote necessary for immediate effect, this
 4-56 Act takes effect September 1, 2019.

4-57 * * * * *