

By: Price, Huberty, Coleman,
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H.B. No. 1335

Substitute the following for H.B. No. 1335:

By: Price

C.S.H.B. No. 1335

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the establishment of school-based behavioral health
3 centers by public schools and a grant program administered by the
4 executive commissioner of the Health and Human Services Commission
5 for the operation of those centers.

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

7 SECTION 1. Chapter 38, Education Code, is amended by adding
8 Subchapter B-1 to read as follows:

9 SUBCHAPTER B-1. SCHOOL-BASED BEHAVIORAL HEALTH CENTERS

10 Sec. 38.081. DEFINITIONS. In this subchapter:

11 (1) "Behavioral health services" includes mental
12 health assessments, crisis interventions, counseling, including
13 substance abuse counseling, and referrals to a continuum of mental
14 health services.

15 (2) "Eligible entity" means a community-based
16 organization that is:

17 (A) a school district;

18 (B) an open-enrollment charter school;

19 (C) a hospital;

20 (D) a local health department;

21 (E) a federally qualified health center, as
22 defined by 42 U.S.C. Section 1396d(1)(2)(B);

23 (F) a community mental health center, as defined
24 by 42 U.S.C. Section 1395x(ff)(3)(B);

1 (G) a local mental health authority;

2 (H) a licensed mental health care provider whose
3 sole purpose is providing school-based behavioral health services;

4 (I) a local Communities In Schools program
5 described by Subchapter E, Chapter 33; or

6 (J) any other appropriate nonprofit health care
7 agency or behavioral health care agency.

8 (3) "Executive commissioner" means the executive
9 commissioner of the Health and Human Services Commission.

10 Sec. 38.082. ESTABLISHMENT OF SCHOOL-BASED BEHAVIORAL
11 HEALTH CENTER. (a) A school district may establish a school-based
12 behavioral health center to:

13 (1) provide accessible behavioral health services to
14 students and their families;

15 (2) improve the emotional well-being and academic
16 performance of medically underserved students and their families;
17 and

18 (3) integrate behavioral health services in the school
19 environment.

20 (b) A school district may combine a school-based behavioral
21 health center with a school-based health center established under
22 Subchapter B or any other district program that provides primary
23 health care services to students.

24 Sec. 38.083. CENTER REQUIREMENTS. (a) A school-based
25 behavioral health center must:

26 (1) be located at or near a school district facility;

27 (2) be organized with assistance from the community

1 and relevant health care providers; and

2 (3) provide behavioral health services during school
3 hours to students in accordance with:

4 (A) applicable federal, state, and local laws;

5 (B) established behavioral health standards; and

6 (C) community practice.

7 (b) A school-based behavioral health center may provide
8 services to the student only with the consent of the student's
9 parent or guardian.

10 (c) A school-based behavioral health center must be
11 administered by an eligible entity.

12 Sec. 38.084. GRANTS. (a) The executive commissioner shall
13 administer a program under which grants are awarded to eligible
14 entities to assist school districts with the costs of operating
15 school-based behavioral health centers.

16 (b) To be eligible to receive a grant under this section, an
17 eligible entity must:

18 (1) establish or propose to establish a school-based
19 behavioral health center that meets the requirements under Section
20 38.083 under an agreement with a school district;

21 (2) provide sufficient information establishing local
22 need for the behavioral health services provided by or proposed to
23 be provided by the center;

24 (3) provide sufficient evidence that:

25 (A) the entity's request for a grant under this
26 section is approved by the school district at which the center is or
27 will be located;

1 (B) the center will obtain parental consent
2 before providing behavioral health services to children;

3 (C) the center will offer on-site access during
4 each instructional day;

5 (D) the center will be integrated into the school
6 environment and will coordinate behavioral health resources with
7 district educators and other appropriate support personnel,
8 including other school-based health care providers; and

9 (E) the entity will assume all responsibility for
10 the administration, operation, and oversight of the center;

11 (4) establish and maintain relationships with health
12 care providers; and

13 (5) provide any other information the executive
14 commissioner determines necessary.

15 (c) In awarding grants under this section, the executive
16 commissioner shall give priority to eligible entities that seek
17 funding for a school-based behavioral health center that meets at
18 least two of the following criteria:

19 (1) the center has already been established;

20 (2) the center will be established at a campus that
21 does not currently have a school-based behavioral health center;

22 (3) the center serves or will serve an area in which
23 there are barriers to students accessing behavioral health
24 services; or

25 (4) the center serves or will serve a campus at which
26 50 percent or more of the students in daily attendance at the campus
27 are:

1 (A) uninsured, underinsured, or enrolled in a
2 public health insurance program; or

3 (B) educationally disadvantaged.

4 (d) The executive commissioner shall determine the amount
5 of each grant awarded under this section. In determining the amount
6 of a grant, the executive commissioner shall consider:

7 (1) the financial need of the school district at which
8 the school-based behavioral health center is or will be located to
9 operate the center;

10 (2) other funding provided to the district for the
11 operation of the center; and

12 (3) any other factor the executive commissioner
13 determines relevant.

14 (e) A grant awarded under this section may be used only for:

15 (1) the salaries of health care providers who provide
16 behavioral health services through the school-based behavioral
17 health center; or

18 (2) costs related to managing the center's programs.

19 (f) The executive commissioner, in consultation with the
20 commissioner, shall adopt rules as necessary to implement this
21 section, including rules regarding the evaluation and monitoring of
22 school-based behavioral health centers operated by eligible
23 entities that receive a grant under this section.

24 SECTION 2. This Act applies beginning with the 2019-2020
25 school year.

26 SECTION 3. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

C.S.H.B. No. 1335

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.