

By: Talarico

H.B. No. 1467

A BILL TO BE ENTITLED

AN ACT

relating to a mental health professional to school law enforcement official ratio for public schools.

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

SECTION 1. Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0816 to read as follows:

Sec. 37.0816. MENTAL HEALTH PROFESSIONAL TO SCHOOL LAW ENFORCEMENT OFFICIAL RATIOS. (a) In this section:

(1) "Mental health professional" means:

(A) a school counselor certified under Subchapter B, Chapter 21;

(B) a licensed specialist in school psychology, as defined by Section 501.002, Occupations Code;

(C) a licensed professional counselor, as defined by Section 503.002, Occupations Code; or

(D) a licensed clinical social worker, as defined by Section 505.002, Occupations Code.

(2) "School district peace officer" means a peace officer commissioned under Section 37.081.

(3) "School law enforcement official" means:

(A) a security officer employed by a school district or open-enrollment charter school;

(B) a person who provides security services under a contract with a school district or open-enrollment charter

1 school;

2 (C) a school district peace officer; or

3 (D) a school resource officer who provides a
4 regular presence on a school district or open-enrollment charter
5 school campus under a memorandum of understanding between the
6 district or school and a local law enforcement agency.

7 (b) A school district or open-enrollment charter school
8 that employs, commissions, or contracts for the services of a
9 school law enforcement official to carry out this subchapter shall
10 maintain a mental health professional to school law enforcement
11 official ratio that is not less than:

12 (1) four mental health professionals for each school
13 law enforcement official if the district or school has a student
14 enrollment of 5,000 or more students;

15 (2) three mental health professionals for each school
16 law enforcement official if the district or school has a student
17 enrollment of more than 500 and less than 5,000; and

18 (3) two mental health professionals for each school
19 law enforcement official if the district or school has a student
20 enrollment of 500 or less.

21 (c) A school district or open-enrollment charter school may
22 apply under Section 7.056 to the commissioner for a waiver of the
23 ratio requirement imposed under Subsection (b). In addition to the
24 requirements under Section 7.056(b), a school district or
25 open-enrollment charter school requesting a waiver shall submit to
26 the commissioner within the period prescribed by Section 7.056(b)
27 documentation approved by the board of trustees of the district or

1 the governing body of the school showing that the district or school
2 made a good faith but unsuccessful attempt to obtain the applicable
3 number of mental health professionals required under Subsection
4 (b).

5 (c-1) Notwithstanding Subsection (c), a school district or
6 open-enrollment charter school that applies under Section 7.056(b)
7 to the commissioner for a waiver of the ratio requirement imposed
8 under Subsection (b) of this section for the 2019-2020 school year
9 is not required to submit documentation showing that the district
10 or school made a good faith but unsuccessful attempt to obtain the
11 applicable number of mental health professionals required under
12 Subsection (b). This subsection expires September 1, 2020.

13 (d) A school district or open-enrollment charter school
14 that receives a waiver of the ratio requirement imposed under
15 Subsection (b) shall ensure that each school law enforcement
16 official complete appropriate training by:

17 (1) verifying that each school law enforcement
18 official subject to Section 1701.263, Occupations Code, has
19 completed the required education and training program; and

20 (2) for any school law enforcement official who is not
21 subject to Section 1701.263, Occupations Code, requiring the
22 official to complete:

23 (A) the model training curriculum developed
24 under Section 1701.262, Occupations Code, if the official is a
25 school district peace officer or school resource officer;

26 (B) positive behavior interventions and supports
27 training provided by a regional education service center; or

1 (C) a school safety course provided by the Texas
2 School Safety Center under Section 37.205.

3 SECTION 2. The changes in law made by this Act apply
4 beginning with the 2019-2020 school year.

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.