

By: Coleman

H.B. No. 2095

A BILL TO BE ENTITLED

AN ACT

relating to the availability of certain behavioral health professionals at certain public schools.

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

SECTION 1. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.911 to read as follows:

Sec. 33.911. BEHAVIORAL HEALTH PROFESSIONAL. (a) In this section, "behavioral health professional" means:

(1) a licensed specialist in school psychology licensed under Chapter 501, Occupations Code;

(2) a licensed professional counselor licensed under Chapter 503, Occupations Code;

(3) a licensed clinical social worker licensed under Chapter 505, Occupations Code; or

(4) a school counselor with an appropriate certificate or permit issued under Subchapter B, Chapter 21.

(b) A school district that receives additional state aid under Section 42.25185 shall:

(1) assign a behavioral health professional to each campus in the district; or

(2) ensure the services of a behavioral health professional are provided to students at each campus in the district through a contract with one or more behavioral health professionals or a private or nonprofit organization that employs

1 or provides the services of behavioral health professionals.

2 (c) A school district may not require a behavioral health
3 professional assigned under this section to administer assessment
4 instruments or provide other assistance in connection with
5 assessment instruments.

6 SECTION 2. Subchapter A, Chapter 37, Education Code, is
7 amended by adding Section 37.0016 to read as follows:

8 Sec. 37.0016. REFERRAL TO BEHAVIORAL HEALTH SERVICES. (a)
9 If an educator notifies the campus behavior coordinator designated
10 under Section 37.0012 about a concern regarding the behavioral
11 health of a student enrolled at the campus, the campus behavior
12 coordinator shall consult with the student's parent or guardian and
13 if appropriate make a referral of opportunities for the student to
14 access behavioral health services.

15 (b) A referral made under Subsection (a) must include
16 behavioral health services from a behavioral health professional,
17 as defined by Section 33.911, who provides services at the campus in
18 a manner provided by that section.

19 (c) If the services of a behavioral health professional are
20 not provided at the campus in the manner described by Section
21 33.911, a referral made under Subsection (a) may include a referral
22 for behavioral health services from a local mental health authority
23 or a private or community-based provider of behavioral health
24 services.

25 (d) If Subsection (c) applies and during the consultation
26 under Subsection (a), the student's parent or guardian informs the
27 campus behavior coordinator that the parent or guardian is not able

1 to pay for behavioral health services and that the student is not
2 covered under a health insurance policy or other health benefit
3 plan, the campus behavior coordinator, with the consent of the
4 parent or guardian, shall coordinate with available
5 community-based organizations, faith-based organizations, or other
6 appropriate providers to secure behavioral health services for the
7 student.

8 (e) The campus behavior coordinator shall annually report
9 to the campus principal the number of students for which a referral
10 for behavioral health services is made under this section. The
11 report must include, for each student for whom a referral is made,
12 the student's:

- 13 (1) disability status;
- 14 (2) race; and
- 15 (3) sex.

16 SECTION 3. Subchapter E, Chapter 42, Education Code, is
17 amended by adding Section 42.25185 to read as follows:

18 Sec. 42.25185. ADDITIONAL STATE AID FOR BEHAVIORAL HEALTH
19 PROFESSIONALS. (a) For each school year, the commissioner may
20 provide additional state aid to each school district in an amount,
21 as determined by the commissioner, sufficient to assist the
22 district in employing or contracting for the services of behavioral
23 health professionals under Section 33.911, if funds are available
24 for that purpose.

25 (b) The commissioner shall adopt rules as necessary to
26 administer this section.

27 SECTION 4. This Act applies beginning with the 2020-2021

1 school year.

2 SECTION 5. This Act takes effect September 1, 2019.