

## **BILL ANALYSIS**

Senate Research Center

H.B. 2287  
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Education  
5/20/2021  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The significant recent investment by the state in school-based mental health programs has begun to tackle the issues of safety and emotional well-being of students. While the Collaborative Task Force on Public School Mental Health Services was established to evaluate school-based mental health programs and ensure that taxpayer dollars were being well spent, further evaluation has made clear that the Texas Education Agency (TEA) lacks specific authority to request the data needed to implement and effectively assess these state-funded programs. H.B. 2287 seeks to provide for better data collection by authorizing the task force, or TEA on behalf of the task force, to request data from applicable entities that possess relevant information.

As proposed, H.B. 2287 amends current law relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 8.158, Education Code, by adding Subsection (c), as follows:

(c) Requires the Health and Human Services Commission (HHSC), not later than January 31 of each calendar year, to submit the report prepared under Subsection (b) (relating to a report on outcomes for school districts and students resulting from services provided by non-physician mental health professionals) to the Collaborative Task Force on Public School Mental Health Services established under Section 38.302 (Establishment). Provides that this subsection expires December 1, 2025.

SECTION 2. Amends Section 38.252, Education Code, by adding Subsection (c-1), as follows:

(c-1) Requires each regional education service center, not later than March 1 of each even-numbered year, to provide to the Collaborative Task Force on Public School Mental Health Services established under Section 38.302 an electronic copy of the report submitted to the agency under Subsection (c)(2) (relating to a report on resources identified through the regional inventory of mental health resources). Provides that this subsection expires December 1, 2025.

SECTION 3. Amends Section 38.253, Education Code, by adding Subsection (e), as follows:

(e) Requires the Texas Education Agency (TEA) to provide an electronic copy of the list developed under Subsection (a) (relating to a list of statewide resources available to school districts to address the mental health of students) to the Collaborative Task Force on Public School Mental Health Services established under Section 38.302 as soon as practicable after the list is developed or revised. Provides that this subsection expires December 1, 2025.

SECTION 4. Amends Subchapter F, Chapter 38, Education Code, as added by Chapter 1278 (H.B. 906), Acts of the 86th Legislature, Regular Session, 2019, by adding Section 38.3071, as follows:

Sec. 38.3071. REQUEST FOR AND DISCLOSURE OF INFORMATION. (a) Authorizes the task force, or TEA on behalf of the task force, to assist the task force in performing duties under Subchapter F (Collaborative Task Force on Public School Mental Health Services), to request data from or consult with the certain entities.

(b) Provides that the task force and TEA, in requesting data or consulting with entities under Subsection (a) are prohibited from disclosing a student's medical or educational information and are required to ensure any request or consultation complies with privacy and confidentiality of student information as required by Section 38.309 (Privacy of Information).

(c) Requires an entity, not later than the 60th business day after the date on which an entity receives a request for data from the task force or TEA under Subsection (a), to provide the requested data to the task force or TEA. Provides that an entity that provides data under this subsection:

(1) is prohibited from including personally identifying information of an individual receiving a mental health service, including the individual's name or birthday; and

(2) is authorized to provide the data without seeking the prior authorization of an individual included in the data or of the individual's parent or guardian, if the individual is a minor.

(d) Provides that a person that discloses data to the task force or TEA in accordance with this section is immune from civil or criminal liability for, and is prohibited from being subject to an administrative penalty in connection with, that disclosure.

SECTION 5. Amends Section 38.308, Education Code, as follows:

Sec. 38.308. DUTIES OF TASK FORCE. (a) Requires the task force to:

(1) gather data on:

(A) - (E) makes a nonsubstantive change;

(F) the race, ethnicity, gender, special education status, educationally disadvantaged status, and geographic location of individuals who are described by Paragraphs (H) and (I);

(G) mental health services and trainings provided annually by school districts, at both the campus and district level and open-enrollment charter schools;

(H) the number of individuals who were placed in a disciplinary alternative education program or out-of-school suspension or expelled;

(I) the number of threat assessments conducted under Section 37.115 (Threat Assessment and Safe and Supportive School Program and Team); and

(J) the number of reports made from each school district or open-enrollment charter school by an employee of the district or school or by a school resource officer, to the Department of Family and

Protective Services regarding an alleged incident of abuse or neglect; and

(2) study, evaluate, and make recommendations regarding certain mental health services and trainings, including addressing the outcomes and the effectiveness of the services and training provided, the service and training providers, and the programs under which services and training are provided, in promoting a positive school climate, as defined by Section 38.351(d), Education Code, rather than Section 161.325(a-3), Health and Safety Code, in the district or school.

(b) Authorizes the task force to consult with certain relevant experts and stakeholders.

(c) Prohibits the task force, in consulting with relevant experts and stakeholders under Subsection (b), from disclosing a student's medical or educational information.

(d) Authorizes the task force to enter into agreements with institutions of higher education or other relevant entities as needed to execute the duties of the task force.

SECTION 6. Provides that, to the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. Effective date: September 1, 2021.