

## **BILL ANALYSIS**

C.S.H.B. 2287  
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Public Education  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. C.S.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.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2287 amends the Education Code to expand the data collection duties of the Collaborative Task Force on Public School Mental Health Services to include the following:

- mental health services and trainings provided annually by public school districts and open-enrollment charter schools;
- the number of individuals who were expelled or placed in a disciplinary alternative education program or out-of-school suspension;
- the number of conducted threat assessments;
- specified demographic information relating to individuals subject to a threat assessment or an applicable disciplinary action; and
- other relevant topics as determined by the task force.

The bill authorizes the task force to consult with specified categories of experts and stakeholders and prohibits the task force, in doing so, from disclosing a student's medical or educational information. The bill authorizes the task force to enter into agreements with public institutions of higher education or other relevant entities as needed to execute its duties.

C.S.H.B. 2287 authorizes the task force, or the Texas Education Agency (TEA) on behalf of the task force, to request data from or to consult with districts, charter schools, regional education service centers, local mental health authorities, and other entities that possess information relevant to the task force's duties. The bill prohibits the task force or TEA, in carrying out those actions, from disclosing a student's medical or educational information and requires the task force and TEA to ensure any request or consultation complies with federal and state law relating

to the privacy and confidentiality of student information. The bill requires an entity to provide the requested data not later than the 60th business day after the date the entity receives the request. The bill authorizes the entity to provide the data without seeking the prior authorization of an individual included in the data or of a minor individual's parent or guardian, as applicable, but prohibits the entity from including personally identifying information of an individual receiving a mental health service. The bill grants immunity from civil or criminal liability to a person who discloses requested data to the task force or to TEA and exempts the person from any administrative penalty in connection with that disclosure.

C.S.H.B. 2287, in provisions that expire December 1, 2025, requires the respective authoring entities to provide the following reports and list to the task force by the applicable statutory deadlines:

- the annual Health and Human Services Commission (HHSC) legislative report of compiled district and student outcomes of the services provided by non-physician mental health professionals employed by local mental health authorities;
- each regional education service center's biennial report to TEA of certain resources related to student mental health and available to schools in the center's region; and
- an electronic copy of the list developed by TEA, in collaboration with certain other state agencies and stakeholders, of statewide resources available to districts to address student mental health.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2287 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include requirements for TEA to do the following:

- establish and maintain in coordination with the task force an electronic database of mental health services and trainings provided by public school districts and charter schools; and
- publish and submit to the legislature a biennial report on mental health services provided to public school students.

The substitute does not include a requirement for TEA to collect data in support of the task force, but does retain the original's provisions authorizing TEA to request data on behalf of the task force.

The substitute changes the date by which an entity is required to provide requested data to the task force, or to TEA on behalf of the task force, from not later than the 30th business day after the date the entity receives the request to not later than the 60th business day after that date.

The substitute includes temporary requirements for HHSC, each regional education service center, and TEA, respectively, to submit certain reports and a certain resource list to the task force in addition to the other recipients designated by statute.