

BILL ANALYSIS

Senate Research Center
87R25631 BDP-D

C.S.H.B. 2954
By: Thompson, Senfronia et al. (Powell)
Education
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Prior to COVID-19, suicide was the second leading cause of death for children ages 10-14 in the United States and in Texas. Isolation and disruptions due to the pandemic have exacerbated concerns about proactively addressing mental health among students. Among youth, suicide rates generally increase with age, with the highest rates among high school-aged students. However, Texas must address suicide among students of all ages. It is increasingly important that elementary schools have access to resources that address mental health concerns in students, particularly in schools facing issues of suicidality on campus.

C.S.H.B. 2954 seeks to provide additional support to school districts and charter schools that have been affected by incidents of suicide or that have a reasonable concern regarding the risk of suicide among elementary school students. C.S.H.B. 2954 creates a program for eligible districts and charter schools to provide additional public and private resources for school districts to access evidence-based materials addressing youth suicide prevention, intervention, or postvention that may be implemented by the district or school.

C.S.H.B. 2954 amends current law relating to a suicide prevention, intervention, and postvention grant program for certain public elementary schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 38.3515, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 38, Education Code, by adding Section 38.3515, as follows:

Sec. 38.3515. ELEMENTARY SUICIDE PREVENTION, INTERVENTION, AND POSTVENTION GRANT PROGRAM. (a) Defines, for purposes of this section, "commission," "licensed mental health professional," "parent," and "postvention."

(b) Requires the Texas Education Agency (TEA), in coordination with the Health and Human Services Commission (HHSC), to assist school districts and open-enrollment charter schools with identifying evidence-based and developmentally appropriate strategies and best practices in elementary schools that:

(1) increases protective factors and reduce risk factors associated with social, emotional, and behavioral health concerns and current and future suicidal ideations and behaviors;

(2) identify risk factors for emergent or future suicide risk, as determined using factors identified by HHSC;

(3) address each area listed in Section 38.351(c) (relating to requiring the list of recommended best programs and practices to include certain programs and practices); and

(4) include practices and procedures described by Section 38.351(i) (relating to requiring school districts to develop certain practices and procedures concerning each area listed in Subsection (c)) for suicide prevention, intervention, and postvention.

(c) Requires TEA, to the extent funds are appropriated to TEA for that purpose, to establish a grant program under which funds are awarded to school districts and open-enrollment charter schools to develop and implement age-appropriate, evidence-based strategies described by Subsection (i).

(d) Provides that a school district or open-enrollment charter school is eligible to participate in the grant program established under this section if the district or school or a campus of the district or school has experienced suicide loss or a non-fatal suicide attempt among elementary school students enrolled in the district or school in the 2016-2017 school year or a subsequent school year.

(e) Requires the superintendent or chief executive officer of the district or school, before an eligible school district or open-enrollment charter school is authorized to seek funds under the grant program, to provide, if applicable, notice to the parent of each student enrolled in the district or school that an elementary school student enrolled in the district or school has died. Provides that the notice:

(1) is prohibited from including the student's name or information about the student's cause of death without express consent from the student's parent; and

(2) is required to include information regarding school and community resources to support students or community members who may experience grief or trauma.

(f) Requires the board of trustees of the school district or governing body of the open-enrollment charter school, before an eligible school district or open-enrollment charter school is authorized to seek funds under the grant program, to:

(1) hold a closed meeting to review eligibility requirements under Subsection (d) and determine whether a campus is eligible for the grant program;

(2) ensure any report, information, or record the board or governing body receives under Subdivision (1) is:

(A) confidential; and

(B) not subject to disclosure under Chapter 552 (Public Information), Government Code;

(3) post a notice of intent to seek public funds through the grant program on the district's or school's Internet website prior to the public hearing under Subdivision (4) and provide a reasonable time period for public comment; and

(4) conduct a public hearing to:

(A) notify the public of intent to seek funds through the grant program;

(B) solicit public comment on the proposal; and

(C) approve by a record vote the decision of the district or school to seek funds under the grant program.

(g) Authorizes TEA, in awarding grants under this section, to prioritize for funding purposes school districts or open-enrollment charter schools that:

- (1) serve students residing in rural areas; or
- (2) serve students in high needs districts.

(h) Requires a school district or open-enrollment charter school that is awarded funds through the grant program to prioritize campuses within the district or school district based on the direct impact of student suicides on the campuses.

(i) Requires the district or school, for each elementary school campus at which the school district or open-enrollment charter school implements the grant program, to use funds awarded under the program to support age-appropriate, evidence-based strategies in elementary schools identified in Subsection (b) that:

- (1) reduce current and future risk in students for engaging in:
 - (A) suicidal ideations and behaviors; and
 - (B) behavior that poses a risk of harm to self or others, including bullying and substance misuse;
- (2) support early mental health intervention for students with early warning signs of risk for suicide;
- (3) foster resilience in students; and
- (4) support the development of coping skills and protective behavior in students to help them react positively to changes and obstacles in life, including skills related to responsible decision-making, managing emotions, and establishing and maintaining positive relationships.

(j) Authorizes a school district or open-enrollment charter school awarded a grant under this section to:

- (1) contract with a regional education service center for services;
- (2) enter into a memorandum of understanding with a local mental health authority for services;
- (3) contract with public and private community-based mental health providers or nonprofit organizations for services in support of evidence-based strategies described by Subsection (i); and
- (4) consult with the local school health advisory council established under Section 28.004 (Local School Health Advisory Council and Health Education Instruction) in developing a plan to provide age-appropriate, evidence-based strategies described by Subsection (i).

(k) Requires a school district or open-enrollment charter school awarded a grant under this section to:

- (1) ensure that funds are used to support age-appropriate, evidence-based strategies;

(2) ensure that informational materials distributed by the district or school are age-appropriated and evidenced-based and distributed with prior written parental consent;

(3) ensure that strategies implemented under Subsection (i) include working with licensed mental health professionals and other school personnel who regularly interact with students to prevent suicide among students enrolled at the campus; and

(4) provide to a parent of each student enrolled at a campus receiving funds from the grant program written or electronic notice that includes:

(A) notification of the award of funds from the grant program to the campus and information regarding strategies to be implemented at the campus as described by Subsection (i);

(B) information to increase parental and caregiver awareness regarding research-based protective factors and risk factors associated with social, emotional, and behavioral health concerns and current and future suicidal ideations and behaviors among elementary school-aged children; and

(C) a list of available school and community resources to support students or community members who may be at risk of suicide.

(l) Provides that TEA:

(1) is authorized to use any available funds for the program, including state, federal, or philanthropic funds;

(2) is authorized to accept donations for purposes of this section from sources without a conflict of interest; and

(3) is prohibited from accepting donations for purposes of this section from an anonymous source.

(m) Provides that nothing in this section is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Provides that practices and procedures developed in accordance with this section are intended to notify a parent of a need for suicide prevention, intervention, or postvention so that a parent or guardian may take appropriate action.

(n) Provides that nothing in this section is authorized to be construed to supersede or otherwise interfere with the obligation of a school district employee to obtain written parental consent required under Sections 26.009 (Consent Required for Certain Activities) and 38.010 (Outside Counselors). Provides that before providing an individual screening, assessment, or intervention to any student in accordance with a strategy implemented under the grant program established under this section, a mental health professional is required to obtain informed parental consent.

(o) Provides that nothing in this section authorizes a school district or open-enrollment charter school employee to recommend prescription medication for a student or to interfere with medical decisions to be made by the student's parent or guardian.

(p) Requires the commissioner of education to adopt rules to administer this section.

(q) Provides that this section expires September 1, 2025.

SECTION 2. Requires TEA, in coordination with HHSC, not later than June 1, 2022, to develop the guidance for public schools required under Section 38.3515(b), Education Code, as added by this Act.

SECTION 3. Provides that this Act applies beginning with the 2021-2022 school year.

SECTION 4. Provides that TEA is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purpose, TEA is authorized, but is not required, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. Effective date: upon passage or September 1, 2021.