87R3884 GCB-D

By:  Talarico H.B. No. 4079

A BILL TO BE ENTITLED

AN ACT

relating to a mental health professional to school law enforcement official ratio for public schools and the use of the school safety allotment to employ mental health professionals.

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

SECTION 1.  Subchapter C, Chapter 37, Education Code, is amended by adding Section 37.0818 to read as follows:

Sec. 37.0818.  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 school;

(C)  a school district peace officer; or

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

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

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

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

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

(c)  A school district or open-enrollment charter school may apply under Section 7.056 to the commissioner for a waiver of the ratio requirement imposed under Subsection (b). In addition to the requirements under Section 7.056(b), a school district or open-enrollment charter school requesting a waiver shall submit to the commissioner within the period prescribed by Section 7.056(b) documentation approved by the board of trustees of the district or the governing body of the school showing that the district or school made a good faith but unsuccessful attempt to obtain the applicable number of mental health professionals required under Subsection (b).

(c-1)  Notwithstanding Subsection (c), a school district or open-enrollment charter school that applies under Section 7.056(b) to the commissioner for a waiver of the ratio requirement imposed under Subsection (b) of this section for the 2021-2022 school year is not required to submit documentation showing that the district or school made a good faith but unsuccessful attempt to obtain the applicable number of mental health professionals required under Subsection (b). This subsection expires September 1, 2022.

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

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

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

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

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

SECTION 2.  Section 42.168, Education Code, as added by Chapter 464 (S.B. 11), Acts of the 86th Legislature, Regular Session, 2019, is transferred to Subchapter C, Chapter 48, Education Code, redesignated as Section 48.115, Education Code, amended to conform to changes made by Chapter 943 (H.B. 3), Acts of the 86th Legislature, Regular Session, 2019, and further amended to read as follows:

Sec. 48.115 [~~42.168~~].  SCHOOL SAFETY ALLOTMENT. (a) From funds appropriated for that purpose, the commissioner shall provide to a school district an annual allotment in the amount provided by appropriation for each student in average daily attendance.

(b)  Funds allocated under this section must be used to improve school safety and security, including costs associated with:

(1)  securing school facilities, including:

(A)  improvements to school infrastructure;

(B)  the use or installation of physical barriers; and

(C)  the purchase and maintenance of:

(i)  security cameras or other security equipment; and

(ii)  technology, including communications systems or devices, that facilitates communication and information sharing between students, school personnel, and first responders in an emergency;

(2)  providing security for the district, including:

(A)  employing school district peace officers, private security officers, and school marshals; and

(B)  collaborating with local law enforcement agencies, such as entering into a memorandum of understanding for the assignment of school resource officers to schools in the district;

(3)  school safety and security training and planning, including:

(A)  active shooter and emergency response training;

(B)  prevention and treatment programs relating to addressing adverse childhood experiences; and

(C)  the prevention, identification, and management of emergencies and threats, including:

(i)  providing mental health personnel and support;

(ii)  providing behavioral health services; and

(iii)  establishing threat reporting systems; [~~and~~]

(4)  providing programs related to suicide prevention, intervention, and postvention; and

(5)  establishing and maintaining the mental health professional to school law enforcement official ratio required by Section 37.0818.

(c)  A school district may use funds allocated under this section for equipment or software that is used for a school safety and security purpose and an instructional purpose, provided that the instructional use does not compromise the safety and security purpose of the equipment or software.

(d)  A school district that is required to take action under Chapter 49 [~~41~~] to reduce its local revenue level [~~wealth per student~~] to the [~~equalized wealth~~] level established under Section 48.257 is entitled to a credit, in the amount of the allotments to which the district is to receive as provided by appropriation, against the total amount required under Section 49.153 [~~41.093~~] for the district to purchase attendance credit [~~credits~~].

(e)  The commissioner may adopt rules to implement this section.

SECTION 3.  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 4.  This Act applies beginning with the 2021-2022 school year.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.