

By: Thompson of Harris, Hunter, Dutton,  
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H.B. No. 2287

Substitute the following for H.B. No. 2287:

By: Dutton

C.S.H.B. No. 2287

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to data collection and receipt of certain reports by and  
3 consultation with the Collaborative Task Force on Public School  
4 Mental Health Services.

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

6 SECTION 1. Section 8.158, Education Code, is amended by  
7 adding Subsection (c) to read as follows:

8 (c) Not later than January 31 of each calendar year, the  
9 Health and Human Services Commission shall submit the report  
10 prepared under Subsection (b) to the Collaborative Task Force on  
11 Public School Mental Health Services established under Section  
12 38.302. This subsection expires December 1, 2025.

13 SECTION 2. Section 38.252, Education Code, is amended by  
14 adding Subsection (c-1) to read as follows:

15 (c-1) Not later than March 1 of each even-numbered year,  
16 each regional education service center shall provide to the  
17 Collaborative Task Force on Public School Mental Health Services  
18 established under Section 38.302 an electronic copy of the report  
19 submitted to the agency under Subsection (c)(2). This subsection  
20 expires December 1, 2025.

21 SECTION 3. Section 38.253, Education Code, is amended by  
22 adding Subsection (e) to read as follows:

23 (e) The agency shall provide an electronic copy of the list  
24 developed under Subsection (a) to the Collaborative Task Force on

1 Public School Mental Health Services established under Section  
2 38.302 as soon as practicable after the list is developed or  
3 revised. This subsection expires December 1, 2025.

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

8 Sec. 38.3071. REQUEST FOR AND DISCLOSURE OF INFORMATION.

9 (a) To assist the task force in performing duties under this  
10 subchapter, the task force, or the agency on behalf of the task  
11 force, may request data from or consult with the following  
12 entities:

- 13 (1) school districts;  
14 (2) open-enrollment charter schools;  
15 (3) regional education service centers;  
16 (4) local mental health authorities; and  
17 (5) other entities that possess information relevant  
18 to the task force's duties under Section 38.308.

19 (b) In requesting data or consulting with entities under  
20 Subsection (a), the task force and agency:

- 21 (1) may not disclose a student's medical or  
22 educational information; and  
23 (2) must ensure any request or consultation complies  
24 with privacy and confidentiality of student information as required  
25 by Section 38.309.

26 (c) Not later than the 60th business day after the date on  
27 which an entity receives a request for data from the task force or

1 agency under Subsection (a), the entity shall provide the requested  
2 data to the task force or agency. An entity that provides data under  
3 this subsection:

4 (1) may not include personally identifying  
5 information of an individual receiving a mental health service,  
6 including the individual's name or birthday; and

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

10 (d) A person that discloses data to the task force or agency  
11 in accordance with this section is immune from civil or criminal  
12 liability for, and may not be subject to an administrative penalty  
13 in connection with, that disclosure.

14 SECTION 5. Section 38.308, Education Code, is amended to  
15 read as follows:

16 Sec. 38.308. DUTIES OF TASK FORCE. (a) The task force  
17 shall:

18 (1) gather data on:

19 (A) the number of students enrolled in each  
20 school district and open-enrollment charter school;

21 (B) the number of individuals to whom each school  
22 district or open-enrollment charter school provides the mental  
23 health services described by Section 38.302(1);

24 (C) the number of individuals for whom each  
25 school district or open-enrollment charter school has the resources  
26 to provide the mental health services described by Section  
27 38.302(1);

1 (D) the number of individuals described by  
2 Paragraph (B) who are referred to an inpatient or outpatient mental  
3 health provider;

4 (E) the number of individuals who are transported  
5 from each school district or open-enrollment charter school for an  
6 emergency detention under Chapter 573, Health and Safety Code;  
7 ~~and~~

8 (F) the race, ethnicity, gender, special  
9 education status, educationally disadvantaged status, and  
10 geographic location of:

11 (i) individuals who are provided the mental  
12 health services described by Section 38.302(1);

13 (ii) individuals who are described by  
14 Paragraph (D); ~~and~~

15 (iii) individuals who are described by  
16 Paragraph (E);

17 (iv) individuals who are described by  
18 Paragraph (H); and

19 (v) individuals who are described by  
20 Paragraph (I);

21 (G) mental health services and trainings  
22 provided annually by:

23 (i) school districts, at both the campus  
24 and district level; and

25 (ii) open-enrollment charter schools;

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

1 suspension or expelled;

2 (I) the number of threat assessments conducted  
3 under Section 37.115; and

4 (J) other relevant topics as determined by the  
5 task force; and

6 (2) study, evaluate, and make recommendations  
7 regarding the mental health services described by Section  
8 38.302(1), the training described by Section 38.302(2), and the  
9 impact of those mental health services, as described by Section  
10 38.302(3), including addressing:

11 (A) the outcomes and the effectiveness of the  
12 services and training provided, including the outcomes and  
13 effectiveness of the service and training providers and the  
14 programs under which services and training are provided, in:

15 (i) improving student academic achievement  
16 and attendance;

17 (ii) reducing student disciplinary  
18 proceedings, suspensions, placements in a disciplinary alternative  
19 education program, and expulsions; and

20 (iii) delivering prevention and  
21 intervention services to promote early mental health skills,  
22 including:

23 (a) building skills relating to  
24 managing emotions, establishing and maintaining positive  
25 relationships, and making responsible decisions;

26 (b) preventing substance abuse;

27 (c) preventing suicides;

1 (d) adhering to the purpose of the  
2 relevant program services or training;

3 (e) promoting trauma-informed  
4 practices;

5 (f) promoting a positive school  
6 climate, as defined by Section 38.351(d), [~~161.325(a-3), Health and~~  
7 ~~Safety Code,~~] in the district or school; and

8 (g) improving physical and emotional  
9 safety and well-being in the district or school and reducing  
10 violence in the district or school;

11 (B) best practices for districts and schools in  
12 implementing the services or training;

13 (C) disparities in the race, ethnicity, gender,  
14 special education status, and geographic location of individuals  
15 receiving the services; and

16 (D) best practices to replicate the services or  
17 training for all districts and schools.

18 (b) The task force may consult with relevant experts and  
19 stakeholders, including:

20 (1) classroom teachers;

21 (2) school counselors;

22 (3) school resource officers;

23 (4) school administrators;

24 (5) school nurses;

25 (6) licensed specialists in school psychology;

26 (7) licensed professional counselors;

27 (8) licensed clinical social workers; and

1           (9) non-physician mental health professionals.

2           (c) In consulting with relevant experts and stakeholders  
3 under Subsection (b), the task force may not disclose a student's  
4 medical or educational information.

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

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

12           SECTION 7. This Act takes effect September 1, 2021.