

1-1 By: Thompson of Harris, et al. H.B. No. 2287  
 1-2 (Senate Sponsor - Powell)  
 1-3 (In the Senate - Received from the House May 10, 2021;  
 1-4 May 14, 2021, read first time and referred to Committee on  
 1-5 Education; May 24, 2021, reported favorably by the following vote:  
 1-6 Yeas 9, Nays 0; May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor	X			
1-9 Lucio			X	
1-10 Bettencourt	X			
1-11 Hall	X			
1-12 Hughes	X			
1-13 Menéndez	X			
1-14 Paxton	X			
1-15 Perry	X			
1-16 Powell	X			
1-17 Schwertner	X			
1-18 West			X	

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to data collection and receipt of certain reports by and  
 1-23 consultation with the Collaborative Task Force on Public School  
 1-24 Mental Health Services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 8.158, Education Code, is amended by  
 1-27 adding Subsection (c) to read as follows:

1-28 (c) Not later than January 31 of each calendar year, the  
 1-29 Health and Human Services Commission shall submit the report  
 1-30 prepared under Subsection (b) to the Collaborative Task Force on  
 1-31 Public School Mental Health Services established under Section  
 1-32 38.302. This subsection expires December 1, 2025.

1-33 SECTION 2. Section 38.252, Education Code, is amended by  
 1-34 adding Subsection (c-1) to read as follows:

1-35 (c-1) Not later than March 1 of each even-numbered year,  
 1-36 each regional education service center shall provide to the  
 1-37 Collaborative Task Force on Public School Mental Health Services  
 1-38 established under Section 38.302 an electronic copy of the report  
 1-39 submitted to the agency under Subsection (c)(2). This subsection  
 1-40 expires December 1, 2025.

1-41 SECTION 3. Section 38.253, Education Code, is amended by  
 1-42 adding Subsection (e) to read as follows:

1-43 (e) The agency shall provide an electronic copy of the list  
 1-44 developed under Subsection (a) to the Collaborative Task Force on  
 1-45 Public School Mental Health Services established under Section  
 1-46 38.302 as soon as practicable after the list is developed or  
 1-47 revised. This subsection expires December 1, 2025.

1-48 SECTION 4. Subchapter F, Chapter 38, Education Code, as  
 1-49 added by Chapter 1278 (H.B. 906), Acts of the 86th Legislature,  
 1-50 Regular Session, 2019, is amended by adding Section 38.3071 to read  
 1-51 as follows:

1-52 Sec. 38.3071. REQUEST FOR AND DISCLOSURE OF INFORMATION.

1-53 (a) To assist the task force in performing duties under this  
 1-54 subchapter, the task force, or the agency on behalf of the task  
 1-55 force, may request data from or consult with the following  
 1-56 entities:

- 1-57 (1) school districts;
- 1-58 (2) open-enrollment charter schools;
- 1-59 (3) regional education service centers;
- 1-60 (4) local mental health authorities; and
- 1-61 (5) other entities that possess information relevant

2-1 to the task force's duties under Section 38.308.

2-2 (b) In requesting data or consulting with entities under  
2-3 Subsection (a), the task force and agency:

2-4 (1) may not disclose a student's medical or  
2-5 educational information; and

2-6 (2) must ensure any request or consultation complies  
2-7 with privacy and confidentiality of student information as required  
2-8 by Section 38.309.

2-9 (c) Not later than the 60th business day after the date on  
2-10 which an entity receives a request for data from the task force or  
2-11 agency under Subsection (a), the entity shall provide the requested  
2-12 data to the task force or agency. An entity that provides data under  
2-13 this subsection:

2-14 (1) may not include personally identifying  
2-15 information of an individual receiving a mental health service,  
2-16 including the individual's name or birthday; and

2-17 (2) may provide the data without seeking the prior  
2-18 authorization of an individual included in the data or of the  
2-19 individual's parent or guardian, if the individual is a minor.

2-20 (d) A person that discloses data to the task force or agency  
2-21 in accordance with this section is immune from civil or criminal  
2-22 liability for, and may not be subject to an administrative penalty  
2-23 in connection with, that disclosure.

2-24 SECTION 5. Section 38.308, Education Code, is amended to  
2-25 read as follows:

2-26 Sec. 38.308. DUTIES OF TASK FORCE. (a) The task force  
2-27 shall:

2-28 (1) gather data on:

2-29 (A) the number of students enrolled in each  
2-30 school district and open-enrollment charter school;

2-31 (B) the number of individuals to whom each school  
2-32 district or open-enrollment charter school provides the mental  
2-33 health services described by Section 38.302(1);

2-34 (C) the number of individuals for whom each  
2-35 school district or open-enrollment charter school has the resources  
2-36 to provide the mental health services described by Section  
2-37 38.302(1);

2-38 (D) the number of individuals described by  
2-39 Paragraph (B) who are referred to an inpatient or outpatient mental  
2-40 health provider;

2-41 (E) the number of individuals who are transported  
2-42 from each school district or open-enrollment charter school for an  
2-43 emergency detention under Chapter 573, Health and Safety Code;  
2-44 [~~and~~]

2-45 (F) the race, ethnicity, gender, special  
2-46 education status, educationally disadvantaged status, and  
2-47 geographic location of:

2-48 (i) individuals who are provided the mental  
2-49 health services described by Section 38.302(1);

2-50 (ii) individuals who are described by  
2-51 Paragraph (D); [~~and~~]

2-52 (iii) individuals who are described by  
2-53 Paragraph (E);

2-54 (iv) individuals who are described by  
2-55 Paragraph (H); and

2-56 (v) individuals who are described by  
2-57 Paragraph (I);

2-58 (G) mental health services and trainings  
2-59 provided annually by:

2-60 (i) school districts, at both the campus  
2-61 and district level; and

2-62 (ii) open-enrollment charter schools;

2-63 (H) the number of individuals who were placed in  
2-64 a disciplinary alternative education program or out-of-school  
2-65 suspension or expelled;

2-66 (I) the number of threat assessments conducted  
2-67 under Section 37.115; and

2-68 (J) the number of reports made from each school  
2-69 district or open-enrollment charter school by an employee of the

3-1 district or school or by a school resource officer, to the  
3-2 Department of Family and Protective Services regarding an alleged  
3-3 incident of abuse or neglect; and

3-4 (2) study, evaluate, and make recommendations  
3-5 regarding the mental health services described by Section  
3-6 38.302(1), the training described by Section 38.302(2), and the  
3-7 impact of those mental health services, as described by Section  
3-8 38.302(3), including addressing:

3-9 (A) the outcomes and the effectiveness of the  
3-10 services and training provided, including the outcomes and  
3-11 effectiveness of the service and training providers and the  
3-12 programs under which services and training are provided, in:

3-13 (i) improving student academic achievement  
3-14 and attendance;

3-15 (ii) reducing student disciplinary  
3-16 proceedings, suspensions, placements in a disciplinary alternative  
3-17 education program, and expulsions; and

3-18 (iii) delivering prevention and  
3-19 intervention services to promote early mental health skills,  
3-20 including:

3-21 (a) building skills relating to  
3-22 managing emotions, establishing and maintaining positive  
3-23 relationships, and making responsible decisions;

3-24 (b) preventing substance abuse;

3-25 (c) preventing suicides;

3-26 (d) adhering to the purpose of the  
3-27 relevant program services or training;

3-28 (e) promoting trauma-informed  
3-29 practices;

3-30 (f) promoting a positive school  
3-31 climate, as defined by Section 38.351(d), [~~161.325(a-3), Health and~~  
3-32 ~~Safety Code,~~] in the district or school; and

3-33 (g) improving physical and emotional  
3-34 safety and well-being in the district or school and reducing  
3-35 violence in the district or school;

3-36 (B) best practices for districts and schools in  
3-37 implementing the services or training;

3-38 (C) disparities in the race, ethnicity, gender,  
3-39 special education status, and geographic location of individuals  
3-40 receiving the services; and

3-41 (D) best practices to replicate the services or  
3-42 training for all districts and schools.

3-43 (b) The task force may consult with relevant experts and  
3-44 stakeholders, including:

3-45 (1) classroom teachers;

3-46 (2) school counselors;

3-47 (3) school resource officers;

3-48 (4) school administrators;

3-49 (5) school nurses;

3-50 (6) licensed specialists in school psychology;

3-51 (7) licensed professional counselors;

3-52 (8) licensed clinical social workers; and

3-53 (9) non-physician mental health professionals.

3-54 (c) In consulting with relevant experts and stakeholders  
3-55 under Subsection (b), the task force may not disclose a student's  
3-56 medical or educational information.

3-57 (d) The task force may enter into agreements with  
3-58 institutions of higher education or other relevant entities as  
3-59 needed to execute the duties of the task force.

3-60 SECTION 6. To the extent of any conflict, this Act prevails  
3-61 over another Act of the 87th Legislature, Regular Session, 2021,  
3-62 relating to nonsubstantive additions to and corrections in enacted  
3-63 codes.

3-64 SECTION 7. This Act takes effect September 1, 2021.

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