

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

1 a contract with a school district or open-enrollment charter
2 school;

3 (C) a school district peace officer; or

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

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

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

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

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

22 (c) A school district or open-enrollment charter school may
23 apply under Section 7.056 to the commissioner for a waiver of the
24 ratio requirement imposed under Subsection (b). In addition to the
25 requirements under Section 7.056(b), a school district or
26 open-enrollment charter school requesting a waiver shall submit to
27 the commissioner within the period prescribed by Section 7.056(b)

1 documentation approved by the board of trustees of the district or
2 the governing body of the school showing that the district or school
3 made a good faith but unsuccessful attempt to obtain the applicable
4 number of mental health professionals required under Subsection
5 (b).

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

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

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

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

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

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

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

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

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

15 (1) securing school facilities, including:
16 (A) improvements to school infrastructure;
17 (B) the use or installation of physical barriers;

18 and

19 (C) the purchase and maintenance of:
20 (i) security cameras or other security
21 equipment; and

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

26 (2) providing security for the district, including:
27 (A) employing school district peace officers,

1 private security officers, and school marshals; and

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

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

8 (A) active shooter and emergency response
9 training;

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

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

14 (i) providing mental health personnel and
15 support;

16 (ii) providing behavioral health services;
17 and

18 (iii) establishing threat reporting
19 systems; ~~and~~

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

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

25 (c) A school district may use funds allocated under this
26 section for equipment or software that is used for a school safety
27 and security purpose and an instructional purpose, provided that

1 the instructional use does not compromise the safety and security
2 purpose of the equipment or software.

3 (d) A school district that is required to take action under
4 Chapter 49 [~~41~~] to reduce its local revenue level [~~wealth per~~
5 ~~student~~] to the [~~equalized wealth~~] level established under Section
6 48.257 is entitled to a credit, in the amount of the allotments to
7 which the district is to receive as provided by appropriation,
8 against the total amount required under Section 49.153 [~~41.093~~] for
9 the district to purchase attendance credit [~~credits~~].

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

12 SECTION 3. To the extent of any conflict, this Act prevails
13 over another Act of the 87th Legislature, Regular Session, 2021,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

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

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