

AN ACT

relating to creation of a higher education task force focused on mental health services and the offense of hazing.

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

SECTION 1. Section 37.152(a), Education Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) engages in hazing;

(2) solicits, encourages, directs, aids, or attempts to aid another in engaging in hazing;

(3) recklessly permits hazing to occur; or

(4) has firsthand knowledge of the planning of a specific hazing incident involving a student in an educational institution, or has firsthand knowledge that a specific hazing incident has occurred, and knowingly fails to report that knowledge ~~[in writing]~~ to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency.

SECTION 2. Section 37.155(b), Education Code, is amended to read as follows:

(b) Any person, including an entity organized to support an organization, who voluntarily reports a specific hazing incident involving a student in an educational institution to the dean of students or other appropriate official of the institution, a peace officer, or a law enforcement agency is immune from civil or

1 criminal liability that might otherwise be incurred or imposed as a
2 result of the reported hazing incident if the person:

3 (1) reports the incident before being contacted by the
4 institution or a law enforcement agency concerning the incident or
5 otherwise being included in the institution's or a law enforcement
6 agency's investigation of the incident; and

7 (2) [~~as determined by the dean of students or other~~
8 ~~appropriate official of the institution designated by the~~
9 ~~institution,~~] cooperates in good faith throughout:

10 (A) any institutional process regarding the
11 incident, as determined by the dean of students or other
12 appropriate official of the institution designated by the
13 institution; or

14 (B) any law enforcement agency's investigation
15 regarding the incident, as determined by the chief or other
16 appropriate official of the law enforcement agency designated by
17 the law enforcement agency.

18 SECTION 3. Subchapter 2, Chapter 51, Education Code, is
19 amended by adding Section 51.91931 to read as follows:

20 Sec. 51.91931. COLLABORATIVE TASK FORCE ON HIGHER EDUCATION
21 MENTAL HEALTH SERVICES. (a) In this section:

22 (1) "Coordinating board" means the Texas Higher
23 Education Coordinating Board.

24 (2) "Institution of higher education" has the meaning
25 assigned by Section 61.003.

26 (3) "Task force" means the Collaborative Task Force on
27 Higher Education Mental Health Services.

1 (b) The Collaborative Task Force on Higher Education Mental
2 Health Services is established to study and evaluate mental health
3 services provided at institutions of higher education directly to
4 students enrolled at the institution, including students who have
5 experienced hazing. The task force shall:

6 (1) research the capacity of institutions of higher
7 education to identify and address the mental health needs of
8 students, including students who have experienced hazing,
9 including for each institution:

10 (A) performing an equity analysis of the
11 provision of services at the institution, including analyzing the
12 number of mental health providers on campus, the length of time a
13 student must wait for an appointment, partner referrals, length of
14 treatment, and the types of services provided;

15 (B) the mental health provider-to-student
16 ratios;

17 (C) the number of community partnerships and
18 referrals for inpatient or outpatient mental health treatment;

19 (D) the total amount of funds and the total
20 amount of funds as a percentage of the institution's budget
21 allocated to direct mental health support services;

22 (E) campus-wide needs assessment of mental
23 health climate and student experiences accessing mental health
24 care; and

25 (F) staff and faculty mental health training
26 opportunities, such as mental health first aid and suicide
27 prevention initiatives, as well as staff and faculty opportunities

1 to receive mental health care;

2 (2) identify institutional, environmental, and social
3 barriers that directly impact student mental health and well-being,
4 including incidents of hazing; and

5 (3) explore innovative and effective approaches to
6 meeting the mental health needs of students, with specific focus on
7 first generation college students, students of color, economically
8 disadvantaged students, students who are parents, students of
9 various sexual orientations, survivors of sexual assault, students
10 who have experienced hazing, students who are immigrants, students
11 who are or were previously in the conservatorship of the Department
12 of Family and Protective Services, and students from rural
13 communities, including:

14 (A) stigma reduction and awareness initiatives;

15 (B) peer support initiatives;

16 (C) action plans based on campus assessment;

17 (D) recruiting and retaining counseling staff of
18 color;

19 (E) telehealth accessibility and expansion; and

20 (F) addressing trauma and cultivating
21 resiliency.

22 (c) The task force is composed of:

23 (1) the commissioner of higher education or the
24 commissioner's designee;

25 (2) the following additional members appointed by the
26 commissioner of higher education:

27 (A) three students who are enrolled at an

1 institution of higher education in this state, at least one of whom
2 is enrolled in a certificate program or a junior college;
3 (B) two persons who provide mental health
4 services at an institution of higher education and who are:
5 (i) a psychologist, as defined by Section
6 501.002, Occupations Code;
7 (ii) a licensed professional counselor, as
8 defined by Section 503.002, Occupations Code; or
9 (iii) a licensed clinical social worker, as
10 defined by Section 505.002, Occupations Code;
11 (C) one person who is a psychiatrist;
12 (D) two persons who are higher education
13 administrators and who oversee the provision of mental health
14 services at an institution of higher education;
15 (E) one person who is a member of a foundation
16 that invests in mental health services provided at institutions of
17 higher education;
18 (F) one person who is an employee of an
19 institution of higher education designated under Subsection (k) or
20 (l); and
21 (G) three people who are employees of nonprofit
22 organizations that specialize in mental health for young adults or
23 college students; and
24 (3) for any other entity the task force considers
25 necessary, one person appointed by the task force for each such
26 entity.
27 (d) Persons appointed to serve on the task force shall be

1 selected to represent the racial, ethnic, and socioeconomic
2 diversity of this state.

3 (e) Chapter 2110, Government Code, does not apply to the
4 task force.

5 (f) The commissioner of higher education is designated as
6 the interim presiding officer for purposes of calling and
7 conducting the initial meeting of the task force.

8 (g) The task force:

9 (1) shall at its initial meeting select a presiding
10 officer from among its members for the purpose of calling and
11 conducting meetings; and

12 (2) may select an assistant presiding officer and a
13 secretary from among its members.

14 (h) A member of the task force may not receive compensation
15 or reimbursement for service on the task force.

16 (i) After its initial meeting, the task force shall meet at
17 least twice each year at a time and place determined by the
18 presiding officer. The task force may meet at other times the task
19 force considers appropriate. The presiding officer may call a
20 meeting on the presiding officer's own motion.

21 (j) The task force may meet by teleconference.

22 (k) The commissioner of higher education shall designate
23 one institution of higher education with experience in evaluating
24 mental health services to serve as the lead institution for the task
25 force. The institution designated under this subsection shall
26 provide faculty, staff, and administrative support services to the
27 task force as determined necessary by the task force.

1 (l) The commissioner of higher education shall designate
2 two institutions of higher education with experience in evaluating
3 mental health services to assist the task force and the lead
4 institution.

5 (m) In making a designation under Subsections (k) and (l),
6 the commissioner of higher education shall give preference to at
7 least one predominantly black institution, as defined by 20 U.S.C.
8 Section 1067q(c)(9).

9 (n) The coordinating board shall maintain the data
10 collected by the task force and the work product of the task force.

11 (o) The task force shall ensure that data gathered,
12 information studied, and evaluations conducted under this section:

13 (1) are collected and maintained in compliance with
14 federal law regarding confidentiality of student medical or
15 educational information, including the Health Insurance
16 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d
17 et seq.) and any state law relating to the privacy of student or
18 health information; and

19 (2) may not be shared with a federal agency or state
20 agency, except as otherwise provided by law.

21 (p) The coordinating board may accept gifts, grants, or
22 donations on behalf of the task force to carry out the task force's
23 duties under this section.

24 (q) Not later than December 1, 2024, the task force shall
25 submit to the governor, the lieutenant governor, the speaker of the
26 house of representatives, and the coordinating board a report of
27 the results of the task force's activities conducted under this

1 section and any recommendations for legislative or other action.

2 (r) The task force is abolished and this section expires
3 September 1, 2025.

4 SECTION 4. The change in law made by this Act applies only
5 to an offense committed on or after the effective date of this Act.
6 An offense committed before the effective date of this Act is
7 governed by the law in effect when the offense was committed, and
8 the former law is continued in effect for that purpose. For
9 purposes of this section, an offense was committed before the
10 effective date of this Act if any element of the offense was
11 committed before that date.

12 SECTION 5. Section [37.155](#), Education Code, as amended by
13 this Act, applies only to a civil cause of action that accrues on or
14 after the effective date of this Act. An action that accrued before
15 the effective date of this Act is governed by the law in effect at
16 the time the action accrued, and that law is continued in effect for
17 that purpose.

18 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 36 passed the Senate on April 8, 2021, by the following vote: Yeas 29, Nays 1; and that the Senate concurred in House amendment on May 29, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 36 passed the House, with amendment, on May 26, 2021, by the following vote: Yeas 97, Nays 49, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor