

By: Powell

S.B. No. 920

A BILL TO BE ENTITLED

1 AN ACT
2 relating to data collection by and consultation with the
3 Collaborative Task Force on Public School Mental Health Services
4 regarding the task force's duties and requiring the Texas Education
5 Agency to report on mental health services provided to public
6 school students.

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

8 SECTION 1. Section 38.307, Education Code, is amended by
9 amending Subsections (d) and (e) and adding Subsection (f) to read
10 as follows:

11 (d) On request of the task force, the agency, a school
12 district, or an open-enrollment charter school shall provide
13 information or other assistance to the task force in accordance
14 with Section 38.3071.

15 (e) The agency, on behalf of the task force, shall collect
16 data and maintain the data [~~collected by the task force~~] and the
17 work product of the task force in accordance with:

18 (1) the agency's information security plan under
19 Section 2054.133, Government Code; and

20 (2) the agency's records retention schedule under
21 Section 441.185, Government Code.

22 (f) The agency, in coordination with the task force, shall
23 establish and maintain an electronic database of mental health
24 services and trainings provided by school districts and

1 open-enrollment charter schools to assist the task force and the
2 institutions of higher education designated under Subsection (b) in
3 evaluating mental health services. The database:

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 be accessed only by the agency, members of the
8 task force, and the designated institutions of higher education for
9 a purpose described by this subchapter.

10 SECTION 2. Subchapter F, Chapter 38, Education Code, as
11 added by Chapter 1278 (H.B. 906), Acts of the 86th Legislature,
12 Regular Session, 2019, is amended by adding Section 38.3071 to read
13 as follows:

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

15 (a) To assist the task force in performing duties under this
16 subchapter, the task force, or the agency on behalf of the task
17 force, may request data from or consult with the following
18 entities:

19 (1) school districts;

20 (2) open-enrollment charter schools;

21 (3) regional education service centers;

22 (4) local mental health authorities; and

23 (5) other entities that possess information relevant

24 to the task force's duties under Section 38.308.

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

27 (1) may not disclose a student's medical or

1 educational information; and

2 (2) must ensure any request or consultation complies
3 with privacy and confidentiality of student information as required
4 by Section 38.309.

5 (c) Not later than the 30th business day after the date on
6 which an entity receives a request for data from the task force or
7 agency under Subsection (a), the entity shall provide the requested
8 data to the task force or agency. An entity that provides data under
9 this subsection:

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

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

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

20 SECTION 3. Section 38.308, Education Code, is amended to
21 read as follows:

22 Sec. 38.308. DUTIES OF TASK FORCE. (a) The task force
23 shall:

24 (1) gather data on:

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

27 (B) the number of individuals to whom each school

1 district or open-enrollment charter school provides the mental
2 health services described by Section 38.302(1);

3 (C) the number of individuals for whom each
4 school district or open-enrollment charter school has the resources
5 to provide the mental health services described by Section
6 38.302(1);

7 (D) the number of individuals described by
8 Paragraph (B) who are referred to an inpatient or outpatient mental
9 health provider;

10 (E) the number of individuals who are transported
11 from each school district or open-enrollment charter school for an
12 emergency detention under Chapter 573, Health and Safety Code;
13 [~~and~~]

14 (F) the race, ethnicity, gender, special
15 education status, educationally disadvantaged status, and
16 geographic location of:

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

19 (ii) individuals who are described by
20 Paragraph (D); [~~and~~]

21 (iii) individuals who are described by
22 Paragraph (E);

23 (iv) individuals who are described by
24 Paragraph (H); and

25 (v) individuals who are described by
26 Paragraph (I);

27 (G) mental health services and trainings

1 provided annually by:

2 (i) school districts, at both the campus
3 and district level; and

4 (ii) open-enrollment charter schools;

5 (H) the number of individuals who were placed in
6 a disciplinary alternative education program or out-of-school
7 suspension or expelled;

8 (I) the number of threat assessments conducted
9 under Section 37.115; and

10 (J) other relevant topics as determined by the
11 task force; and

12 (2) study, evaluate, and make recommendations
13 regarding the mental health services described by Section
14 38.302(1), the training described by Section 38.302(2), and the
15 impact of those mental health services, as described by Section
16 38.302(3), including addressing:

17 (A) the outcomes and the effectiveness of the
18 services and training provided, including the outcomes and
19 effectiveness of the service and training providers and the
20 programs under which services and training are provided, in:

21 (i) improving student academic achievement
22 and attendance;

23 (ii) reducing student disciplinary
24 proceedings, suspensions, placements in a disciplinary alternative
25 education program, and expulsions; and

26 (iii) delivering prevention and
27 intervention services to promote early mental health skills,

1 including:

2 (a) building skills relating to
3 managing emotions, establishing and maintaining positive
4 relationships, and making responsible decisions;

5 (b) preventing substance abuse;

6 (c) preventing suicides;

7 (d) adhering to the purpose of the
8 relevant program services or training;

9 (e) promoting trauma-informed
10 practices;

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

14 (g) improving physical and emotional
15 safety and well-being in the district or school and reducing
16 violence in the district or school;

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

19 (C) disparities in the race, ethnicity, gender,
20 special education status, and geographic location of individuals
21 receiving the services; and

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

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

26 (1) classroom teachers;

27 (2) school counselors;

- 1 (3) school resource officers;
- 2 (4) school administrators;
- 3 (5) school nurses;
- 4 (6) licensed specialists in school psychology;
- 5 (7) licensed professional counselors;
- 6 (8) licensed clinical social workers; and
- 7 (9) non-physician mental health professionals.

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

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

14 SECTION 4. Subchapter G, Chapter 38, Education Code, is
15 amended by adding Section 38.354 to read as follows:

16 Sec. 38.354. REPORT ON MENTAL HEALTH SERVICES FOR STUDENTS.
17 Not later than December 1 of each even-numbered year, the agency
18 shall publish and submit to the legislature a report on mental
19 health services provided to public school students. The report
20 shall include:

- 21 (1) the type of services provided to students; and
- 22 (2) the number of students who received each type of
23 service disaggregated by school district, campus, grade, and race.

24 SECTION 5. To the extent of any conflict, this Act prevails
25 over another Act of the 87th Legislature, Regular Session, 2021,
26 relating to nonsubstantive additions to and corrections in enacted
27 codes.

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