

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris, Hunter, Dutton,
Allen, Coleman, et al.

H.B. No. 2287

A BILL TO BE ENTITLED

1 AN ACT
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) the number of reports made from each school
5 district or open-enrollment charter school by an employee of the
6 district or school or by a school resource officer, to the
7 Department of Family and Protective Services regarding an alleged
8 incident of abuse or neglect; and

9 (2) study, evaluate, and make recommendations
10 regarding the mental health services described by Section
11 38.302(1), the training described by Section 38.302(2), and the
12 impact of those mental health services, as described by Section
13 38.302(3), including addressing:

14 (A) the outcomes and the effectiveness of the
15 services and training provided, including the outcomes and
16 effectiveness of the service and training providers and the
17 programs under which services and training are provided, in:

18 (i) improving student academic achievement
19 and attendance;

20 (ii) reducing student disciplinary
21 proceedings, suspensions, placements in a disciplinary alternative
22 education program, and expulsions; and

23 (iii) delivering prevention and
24 intervention services to promote early mental health skills,
25 including:

26 (a) building skills relating to
27 managing emotions, establishing and maintaining positive

1 relationships, and making responsible decisions;

2 (b) preventing substance abuse;

3 (c) preventing suicides;

4 (d) adhering to the purpose of the
5 relevant program services or training;

6 (e) promoting trauma-informed
7 practices;

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

11 (g) improving physical and emotional
12 safety and well-being in the district or school and reducing
13 violence in the district or school;

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

16 (C) disparities in the race, ethnicity, gender,
17 special education status, and geographic location of individuals
18 receiving the services; and

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

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

23 (1) classroom teachers;

24 (2) school counselors;

25 (3) school resource officers;

26 (4) school administrators;

27 (5) school nurses;

1 (6) licensed specialists in school psychology;

2 (7) licensed professional counselors;

3 (8) licensed clinical social workers; and

4 (9) non-physician mental health professionals.

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

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

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

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

FLOOR AMENDMENT NO. 1

BY: Beverly Powell

1 Amend H.B. No. 2287 (senate committee report) in SECTION 5 of
2 the bill, in added Section 38.308(a)(1)(G), Education Code (page
3 2, line 59), by striking "annually".

ADOPTED

VV

MAY 26 2021

Lacey Law
Secretary of the Senate

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2287 by Thompson, Senfronia (Relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm, 701 Texas Education Agency

LBB Staff: JMc, LBO, SL, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2287 by Thompson, Senfronia (Relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm, 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION
Revision 1

April 12, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2287 by Thompson, Senfronia (relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to data collection and receipt of certain reports by and consultation with the Collaborative Task Force on Public School Mental Health Services could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm, 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 3, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2287 by Thompson, Senfronia (Relating to data collection by and consultation with the Collaborative Task Force on Public School Mental Health Services regarding the task force's duties and requiring the Texas Education Agency to report on mental health services provided to public school students.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with the bill's provisions relating to data collection by and consultation with the Collaborative Task Force on Public School Mental Health Services regarding the task force's duties and requiring the Texas Education Agency to report on mental health services provided to public school students could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 529 Hlth & Human Svcs Comm, 701 Texas Education Agency

LBB Staff: JMc, SL, AH

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 22, 2021

TO: Honorable Harold V. Dutton, Jr., Chair, House Committee on Public Education

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2287 by Thompson, Senfronia (Relating to data collection by and consultation with the Collaborative Task Force on Public School Mental Health Services regarding the task force's duties and requiring the Texas Education Agency to report on mental health services provided to public school students.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2287, As Introduced : a negative impact of (\$1,879,410) through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$714,646)
2023	(\$1,164,764)
2024	(\$477,587)
2025	(\$477,587)
2026	(\$477,587)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$714,646)	2.0
2023	(\$1,164,764)	2.0
2024	(\$477,587)	2.0
2025	(\$477,587)	2.0
2026	(\$477,587)	2.0

Fiscal Analysis

The bill's provisions require TEA, on behalf of the task force, to collect and maintain data and the work product of the task force.

The agency, in coordination with the task force, would also establish and maintain an electronic database of mental health services and trainings provided by school districts and open-enrollment charter schools to assist the task force and the institutions of higher education on the task force in evaluating mental health services and

training.

In addition, TEA would publish and submit to the legislature in each even-numbered year, a report on mental health services provided to public school students.

Methodology

This analysis assumes costs to develop and implement the requirements of a new data application are \$229,059 in FY 22 and \$687,177 in FY23 for a total cost of \$916,236. There will be annual reoccurring costs of \$21,252 for DIR costs, software licensing and hardware leasing.

TEA estimates one Programmer IV will be required to provide ongoing support and maintenance at an annual salary of \$103,491 and one Program Specialist VII will be required for analysis and evaluation support of the data report for the task force at an annual salary of \$83,298. Total annual salaries would be \$186,789. This analysis assumes costs for employee benefits (32.52 percent of salary) and payroll contributions (1.5 percent of salary) would total \$63,546 per year. TEA assumes operating expenses associated with each FTE would total \$12,000 for fiscal year 2022 and \$4,000 per fiscal year thereafter. Additionally, this analysis assumes travel and task force support would total \$2,000 per year.

TEA estimates an annual \$200,000 professional services contract to head up the data collection and analysis from campuses.

Technology

In order to implement the requirements of the bill, TEA would need to develop and implement a new application, including: a new system to establish and maintain an electronic database of mental health services and trainings provided by school districts and open-enrollment charter schools; an interface with entities to intake data, such as local mental health authorities, and other entities, in addition to school districts, charter schools, and education service centers; providing data to the task force; allow for a longitudinal analysis; and produce and publish reports on mental health services provided to public school students.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: JMc, SL, AH