

House Bill 2287
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

SECTION 4. Subchapter F, Chapter 38, Education Code, as added by Chapter 1278 (H.B. 906), Acts of the 86th Legislature, Regular Session, 2019, is amended by adding

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SECTION 1. Same as House version.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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Section 38.3071 to read as follows:

Sec. 38.3071. REQUEST FOR AND DISCLOSURE OF INFORMATION. (a) To assist the task force in performing duties under this subchapter, the task force, or the agency on behalf of the task force, may request data from or consult with the following entities:

- (1) school districts;
- (2) open-enrollment charter schools;
- (3) regional education service centers;
- (4) local mental health authorities; and
- (5) other entities that possess information relevant to the task force's duties under Section 38.308.

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

- (1) may not disclose a student's medical or educational information; and
- (2) must ensure any request or consultation complies with privacy and confidentiality of student information as required by Section 38.309.

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

- (1) may not include personally identifying information of an individual receiving a mental health service, including the individual's name or birthday; and
- (2) may provide the data without seeking the prior authorization of an individual included in the data or of the individual's parent or guardian, if the individual is a minor.

(d) A person that discloses data to the task force or agency in accordance with this section is immune from civil or criminal

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liability for, and may not be subject to an administrative penalty in connection with, that disclosure.

SECTION 5. Section 38.308, Education Code, is amended to read as follows:

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

(1) gather data on:

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

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

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

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

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

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

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

(ii) individuals who are described by Paragraph (D); ~~and~~

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

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

SECTION 5. Section 38.308, Education Code, is amended to read as follows:

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

(1) gather data on:

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

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

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

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

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

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

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

(ii) individuals who are described by Paragraph (D); ~~and~~

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

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

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- (v) individuals who are described by Paragraph (I);
- (G) mental health services and trainings provided annually by:
 - (i) school districts, at both the campus and district level; and
 - (ii) open-enrollment charter schools;
- (H) the number of individuals who were placed in a disciplinary alternative education program or out-of-school suspension or expelled;
- (I) the number of threat assessments conducted under Section 37.115; and
- (J) the number of reports made from each school district or open-enrollment charter school by an employee of the district or school or by a school resource officer, to the Department of Family and Protective Services regarding an alleged incident of abuse or neglect; and
- (2) study, evaluate, and make recommendations regarding the mental health services described by Section 38.302(1), the training described by Section 38.302(2), and the impact of those mental health services, as described by Section 38.302(3), including addressing:
 - (A) the outcomes and the effectiveness of the services and training provided, including the outcomes and effectiveness of the service and training providers and the programs under which services and training are provided, in:
 - (i) improving student academic achievement and attendance;
 - (ii) reducing student disciplinary proceedings, suspensions, placements in a disciplinary alternative education program, and expulsions; and
 - (iii) delivering prevention and intervention services to promote early mental health skills, including:
 - (a) building skills relating to managing emotions, establishing and maintaining positive relationships, and making

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- (v) individuals who are described by Paragraph (I);
- (G) mental health services and trainings provided by: [FA 1]
 - (i) school districts, at both the campus and district level; and
 - (ii) open-enrollment charter schools;
- (H) the number of individuals who were placed in a disciplinary alternative education program or out-of-school suspension or expelled;
- (I) the number of threat assessments conducted under Section 37.115; and
- (J) the number of reports made from each school district or open-enrollment charter school by an employee of the district or school or by a school resource officer, to the Department of Family and Protective Services regarding an alleged incident of abuse or neglect; and
- (2) study, evaluate, and make recommendations regarding the mental health services described by Section 38.302(1), the training described by Section 38.302(2), and the impact of those mental health services, as described by Section 38.302(3), including addressing:
 - (A) the outcomes and the effectiveness of the services and training provided, including the outcomes and effectiveness of the service and training providers and the programs under which services and training are provided, in:
 - (i) improving student academic achievement and attendance;
 - (ii) reducing student disciplinary proceedings, suspensions, placements in a disciplinary alternative education program, and expulsions; and
 - (iii) delivering prevention and intervention services to promote early mental health skills, including:
 - (a) building skills relating to managing emotions, establishing and maintaining positive relationships, and making

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responsible decisions;

- (b) preventing substance abuse;
- (c) preventing suicides;
- (d) adhering to the purpose of the relevant program services or training;
- (e) promoting trauma-informed practices;
- (f) promoting a positive school climate, as defined by Section 38.351(d), [~~161.325(a-3), Health and Safety Code,~~] in the district or school; and
- (g) improving physical and emotional safety and well-being in the district or school and reducing violence in the district or school;

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

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

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

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

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

(c) In consulting with relevant experts and stakeholders under Subsection (b), the task force may not disclose a student's

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responsible decisions;

- (b) preventing substance abuse;
- (c) preventing suicides;
- (d) adhering to the purpose of the relevant program services or training;
- (e) promoting trauma-informed practices;
- (f) promoting a positive school climate, as defined by Section 38.351(d), [~~161.325(a-3), Health and Safety Code,~~] in the district or school; and
- (g) improving physical and emotional safety and well-being in the district or school and reducing violence in the district or school;

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

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

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- (6) licensed specialists in school psychology;
- (7) licensed professional counselors;
- (8) licensed clinical social workers; and
- (9) non-physician mental health professionals.

(c) In consulting with relevant experts and stakeholders under Subsection (b), the task force may not disclose a student's

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medical or educational information.

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

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

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

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

SECTION 6. Same as House version.

SECTION 7. Same as House version.

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