

BILL ANALYSIS

C.S.H.B. 3898
By: Martinez
Youth Health & Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Although high school counselors are in a unique position to enact profound change, they often find themselves occupied with administrative work. C.S.H.B. 3898 seeks to establish a life skills advisor pilot program in certain counties that will provide for participating high schools to have a designated employee tasked with certain responsibilities to address the emotional and mental health concerns of students.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3898 amends the Education Code to require the commissioner of education to establish a life skills advisor pilot program at an applicable high school campus as a strategy for addressing emotional and mental health concerns of public school students and to develop a mental health and safety curriculum for use by life skills advisors under the program. The pilot program must be established at each public high school campus located in a county that:

- is adjacent to:
 - at least two counties that border the Gulf of Mexico; and
 - at least two counties that are located on the international border; and
- is located within 50 miles of a county fitting that description.

C.S.H.B. 3898 requires an applicable public school district to designate for each high school campus an educator employed by the district to serve as a life skills advisor for students enrolled at the campus under the pilot program and prohibits the number of life skills advisors in a district from exceeding the number of school counselors employed by the district. The bill requires each life skills advisor to do the following:

- collaborate with district administrators, school counselors, social workers, other appropriately credentialed mental health professionals, and local law enforcement agencies to address mental health concerns affecting students;
- provide instruction to students relating to skills and techniques to cope with anxiety, frustration, and other emotions and the mental health and safety curriculum developed by the commissioner;
- counsel any students who have committed a crime of violence or are identified as having a mental health condition; and

- establish a life skills circle to assess certain student behavior and make a recommendation regarding the appropriate disciplinary action a school should take in response to that student behavior.

C.S.H.B. 3898 requires a life skills advisor to establish a life skills circle to assess a student's behavior if an incident involving the student occurs that violates school policy, requires the involvement of law enforcement, and involves violence or drugs. The life skills circle must include the life skills advisor and students enrolled at the high school campus. The bill requires the advisor, during a life skills circle, to facilitate open discussion between participating students regarding the relevant incident, including allowing students to ask questions, speak to witnesses, and review evidence. The bill requires the life skills advisor and participating students, based on discussion during a life skills circle, to make a recommendation regarding the appropriate disciplinary action the school should take against the student whose behavior is being assessed and submit the recommendation to the school administrator designated by the district. The recommendation may include restricting the student's participation in certain extracurricular activities, requiring the student to perform community service, or a combination of the two. If the life skills advisor and participating students find that the student did not violate school policy, the bill requires the advisor and students to submit a letter to the designated school administrator stating the finding. The bill requires the district to consider the life skills circle's recommendation when determining the disciplinary action to take against the student.

C.S.H.B. 3898 authorizes a district to solicit and accept a gift, grant, or donation from any source to implement or administer the pilot program. The bill requires the commissioner, not later than December 1, 2023, to adopt rules necessary to administer the pilot program. The bill requires the commissioner, not later than January 1, 2029, to review the pilot program and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and the presiding officer of each legislative standing committee with primary jurisdiction over primary and secondary education a written report regarding the progress made by the pilot program in addressing emotional and mental health concerns of students. The bill's provisions relating to the pilot program expire September 1, 2029.

C.S.H.B. 3898 requires the life skills advisor pilot program to be implemented in each applicable high school beginning with the 2024-2025 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3898 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces the term "life skills counselor" with respect to the pilot program with the term "life skills advisor." Accordingly, the substitute replaces the requirement in the introduced for a district to employ for each applicable campus a certified school counselor to serve as a life skills counselor under the pilot program with a requirement for the district to designate for each applicable campus an educator employed by the district to serve as a life skills advisor under the pilot program.

The substitute includes the following provisions not in the introduced:

- a prohibition against the number of life skills advisors in a district exceeding the number of school counselors employed by the district;
- a requirement for the commissioner to develop a mental health and safety curriculum for use by life skills advisors; and

- a requirement for a life skills advisor to provide instruction to students relating to the mental health and safety curriculum.

The substitute omits the requirement from the introduced for a life skills counselor employed to serve at a high school campus to establish a voluntary counseling program for students enrolled at the campus.