

BILL ANALYSIS

C.S.H.B. 4156
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A school is required to assess a student every three years to update programming or to determine if a student continues to exhibit a disability unless the parent and the school district agree that a reevaluation is unnecessary. Parents have the right to request an independent educational evaluation to get a second opinion from someone not affiliated with a district. Districts frequently delegate the district's evaluation to licensed specialists in school psychology (LSSPs), which is a master's level credential. This limits parental rights to obtain a truly independent evaluation. Under state law, LSSPs practice in the public school system or under contract of the public school system. If these license holders do not hold additional licensure in Texas, they may not have other sources of income. As such, they have an interest in receiving repeat business from the districts they serve, which may make them partial toward pleasing a district to continue receiving referrals from the district. C.S.H.B. 4156 seeks to address this issue by providing a path for LSSP licensure for clinical psychologists and psychologists with related degrees.

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 Texas Behavioral Health Executive Council in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 4156 amends the Occupations Code to require the Texas Behavioral Health Executive Council (BHEC) by rule to provide for the issuance of a license as a specialist in school psychology to a person who meet the following requirements:

- is licensed as a psychologist under the Psychologists' Licensing Act;
- has received a passing score on a nationally recognized qualifying examination determined to be appropriate by BHEC and on any other examination required by BHEC;
- applies for the license in the manner prescribed by BHEC; and
- pays the fee set by BHEC.

C.S.H.B. 4156 authorizes BHEC by rule to establish continuing education requirements for a psychologist who holds a license as a specialist in school psychology issued in accordance with the bill's provisions, including continuing education coursework in an amount and frequency established by BHEC that is related to the federal Individuals with Disabilities Education Act, the federal Rehabilitation Act of 1973, special education evaluations, and school-based psychological services.

C.S.H.B. 4156 requires BHEC to adopt rules and fees necessary to implement the bill's provisions not later than January 1, 2024.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4156 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.

While both the introduced and the substitute provide for continuing education requirements by BHEC rule for a psychologist who holds a license as a specialist in school psychology, the introduced required BHEC by rule to establish those requirements, whereas the substitute authorizes BHEC by rule to establish those requirements and also includes a specification absent from the introduced that such a license is issued in accordance with the bill's provisions.