By: Miles S.B. No. 342

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a behavioral health allotment under the Foundation School Program.

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

SECTION 1. Subchapter C, Chapter 48, Education Code, is amended by adding Section 48.115 to read as follows:

Sec. 48.115. BEHAVIORAL HEALTH ALLOTMENT. (a) In this section:

(1) "Behavioral health services" means early intervention through assessment, counseling, or talk therapy, or referral for assessment, counseling, or talk therapy provided by a mental health professional in the school setting in person or through telemedicine to assist a student in:

(A) alleviating mental or emotional illness, symptoms, conditions, or disorders;

(B) resolving emotional, attitudinal, or relationship conflicts;

(C) addressing feelings, attitudes, or behaviors that interfere with effective emotional, social, or intellectual functioning; and

(D) improving school performance through receiving a continuum of care.

(2) "Mental health professional" means the following professionals who are employed or contracted by a school district

campus:

(A) a registered nurse with a doctoral degree in psychiatric nursing;

(B) a child psychiatrist;

(C) a licensed clinical social worker;

(D) a licensed master social worker under clinical supervision;

(E) a licensed professional counselor;

(F) a licensed professional counselor associate under the supervision of a Texas Behavioral Health Executive Council-approved supervisor;

(G) a licensed marriage and family therapist; or

(H) a licensed marriage and family therapist associate under clinical supervision.

(b) This section applies only to a school district in which 60 percent or more of the district's campuses offer continuous student access to behavioral health services.

(c) For each student in average daily attendance who completes a behavioral health assessment or a series of counseling or talk therapy sessions in the school setting or is referred by a mental health professional for behavioral health services provided in the school setting, a school district to which this section applies is entitled to an annual allotment in an amount equal to the basic allotment multiplied by 0.0045.

(d) All of the funds allocated under this section must be used to provide behavioral health services to students enrolled at the school district.

(e) In accordance with commissioner rule, each school district that receives an allotment under this section shall submit through the Public Education Information Management System (PEIMS) information regarding the use of funds allocated to the district under this section.

(f) The commissioner annually shall review the information submitted under Subsection (e) for the preceding school year and:

(1) identify each school district that was not in compliance with Subsection (d) for that school year; and

(2) provide each school district identified under Subdivision (1) with a reasonable opportunity to comply with Subsection (d).

(g) Subject to Subsection (h), if the commissioner determines that a school district was not in compliance with Subsection (d) during the preceding school year and did not comply after a reasonable opportunity offered under Subsection (f)(2), the commissioner shall withhold from the district's foundation school fund payment an amount equal to the amount of the district's allotment under this section that the district used for a purpose not described by Subsection (d).

(h) The commissioner shall release to a school district money withheld under Subsection (g) when the district provides to the commissioner a detailed plan to comply with Subsection (d), unless the commissioner determines the plan is not provided in good faith.

(i) In determining whether a school district is subject to the withholding of funding under Subsection (g), the commissioner

may consider the district's compliance with Subsection (d) during the school years preceding the school year in which the money may be withheld.

SECTION 2. This Act takes effect September 1, 2027.