

BILL ANALYSIS

C.S.H.B. 1335
By: Price
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Discussions on school safety following recent traumatic events such as Hurricane Harvey and the Santa Fe High School shooting highlighted the degree of public concern regarding the provision of behavioral health care in schools. Recognizing that the state would most likely not have the funds to provide for a mental health professional in each school across the state, stakeholders suggested the creation of a flexible, dedicated grant for which school districts could apply to cover the salaries of behavioral health professionals to provide appropriate care for the schools that need it most. C.S.H.B. 1335 seeks to address the need for funding such care by creating a grant program for public school districts seeking to establish school-based behavioral health centers.

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 executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1335 amends the Education Code to authorize a public school district to establish a school-based behavioral health center to provide accessible behavioral health services to students and their families, improve the emotional well-being and academic performance of medically underserved students and their families, and integrate behavioral health services in the school environment. The bill authorizes a district to combine such a center with a school-based health center or with any other district program that provides primary health care services to students. The bill requires a school-based behavioral health center to do the following:

- be located at or near a district facility;
- be organized with assistance from the community and relevant health care providers;
- provide behavioral health services during school hours to students in accordance with established behavioral health standards, community practice, and applicable federal, state, and local laws; and
- be administered by an entity belonging to one of the categories of community-based organizations specified by the bill.

The bill requires the consent of the student's parent or guardian for the provision of school-based behavioral health center services to the student. For purposes of the bill's provisions, "behavioral health services" includes mental health assessments, crisis interventions, counseling, including substance abuse counseling, and referrals to a continuum of mental health services.

C.S.H.B. 1335 requires the executive commissioner of the Health and Human Services Commission to administer a program under which grants are awarded to eligible entities to assist districts with the costs of operating school-based behavioral health centers. The bill sets out eligibility requirements for such a grant and requires the executive commissioner in awarding grants under the program to give priority to eligible entities that seek funding for a school-based behavioral health center that meet certain criteria. The bill requires the executive commissioner to determine the amount of each grant awarded and to consider certain factors in making that determination. The bill limits the use of a grant to paying the salaries of health care providers who provide behavioral health services through the center and costs related to managing the center's programs. The bill requires the executive commissioner, in consultation with the commissioner of education, to adopt rules as necessary to implement the bill's provisions relating to the grant program, including rules regarding the evaluation and monitoring of school-based behavioral health centers operated by eligible entities that receive a grant. The bill applies beginning with the 2019-2020 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1335 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the recipient of a grant from a public school district to an eligible entity that establishes or proposes to establish a school-based behavioral health center under an agreement with a district but requires such an entity to provide evidence that the entity's grant request is approved by the district. A school district is among the organizations defined as eligible entities.

The substitute revises the definition of "behavioral health services" and includes an open-enrollment charter school and a local communities in schools program among the community-based organizations defined as eligible entities.

The substitute includes the following:

- a provision requiring parental or guardian consent for a center's provision of services to a student; and
- a specification that the adoption of rules by the executive commissioner of the Health and Human Services Commission is in consultation with the commissioner of education.

The substitute does not include the following:

- a requirement, as a condition of receiving a grant, to provide sufficient evidence that the center will offer 24-hour coverage through an on-call system to ensure year-round access;
- an authorization to use the grant for overhead costs of the center; and
- a requirement for the executive commissioner to provide certain assistance, training, support, and information on best practices to a district that receives a grant.