

AN ACT

relating to the public health threat presented by youth suicide and the qualification of certain persons serving as marriage and family therapists in school districts.

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

SECTION 1. This Act is dedicated to every child who has fallen victim to severe emotional trauma.

SECTION 2. The legislature finds that:

(1) the United States Surgeon General's Report on Children's Mental Health estimates that one in five children and adolescents will experience a significant mental health problem during their school years;

(2) during elementary school years, children are in an ongoing developmental process where it is crucial that healthy mental and behavioral development be promoted and that a solid foundation in social-emotional skills and capacities be built;

(3) adolescence is a period of significant change, during which youth are faced with a myriad of pressures;

(4) the pressures facing youth during adolescence include pressures relating to adapting to bodily changes, succeeding academically, making college and career decisions, being accepted by peers, including pressure to engage in drugs, alcohol, and sex, measuring up to expectations of others, and coping with family and peer conflicts;

1 (5) increased levels of victimization also lead to  
2 increased levels of depression and anxiety and decreased levels of  
3 self-esteem;

4 (6) emotional trauma and mental health issues, if left  
5 unaddressed, can lead and have led to life-threatening violence and  
6 suicide;

7 (7) suicide committed by youth continues to present a  
8 public health threat that endangers the well-being of the youth of  
9 the state;

10 (8) suicide is the third leading cause of death for  
11 persons who are at least 15 years of age but younger than 25 years of  
12 age and the sixth leading cause of death for persons who are at  
13 least 5 years of age but younger than 15 years of age; and

14 (9) it is of the utmost importance to keep children and  
15 adolescents mentally healthy and on a course to become mentally  
16 healthy adults.

17 SECTION 3. Chapter 161, Health and Safety Code, is amended  
18 by adding Subchapter O-1 to read as follows:

19 SUBCHAPTER O-1. EARLY MENTAL HEALTH INTERVENTION AND PREVENTION OF  
20 YOUTH SUICIDE

21 Sec. 161.325. EARLY MENTAL HEALTH INTERVENTION AND SUICIDE  
22 PREVENTION. (a) The department, in coordination with the Texas  
23 Education Agency, shall provide and annually update a list of  
24 recommended best practice-based early mental health intervention  
25 and suicide prevention programs for implementation in public  
26 elementary, junior high, middle, and high schools within the  
27 general education setting. Each school district may select from

1 the list a program or programs appropriate for implementation in  
2 the district.

3 (b) The programs on the list must include components that  
4 provide for training counselors, teachers, nurses, administrators,  
5 and other staff, as well as law enforcement officers and social  
6 workers who regularly interact with students, to:

7 (1) recognize students at risk of committing suicide,  
8 including students who are or may be the victims of or who engage in  
9 bullying;

10 (2) recognize students displaying early warning signs  
11 and a possible need for early mental health intervention, which  
12 warning signs may include declining academic performance,  
13 depression, anxiety, isolation, unexplained changes in sleep or  
14 eating habits, and destructive behavior toward self and others; and

15 (3) intervene effectively with students described by  
16 Subdivision (1) or (2) by providing notice and referral to a parent  
17 or guardian so appropriate action, such as seeking mental health  
18 services, may be taken by a parent or guardian.

19 (c) In developing the list of programs, the department and  
20 the Texas Education Agency shall consider:

21 (1) any existing suicide prevention method developed  
22 by a school district; and

23 (2) any Internet or online course or program developed  
24 in this state or another state that is based on best practices  
25 recognized by the Substance Abuse and Mental Health Services  
26 Administration or the Suicide Prevention Resource Center.

27 (d) The board of trustees of each school district may adopt

1 a policy concerning early mental health intervention and suicide  
2 prevention that:

3 (1) establishes a procedure for providing notice of a  
4 recommendation for early mental health intervention regarding a  
5 student to a parent or guardian of the student within a reasonable  
6 amount of time after the identification of early warning signs as  
7 described by Subsection (b)(2);

8 (2) establishes a procedure for providing notice of a  
9 student identified as at risk of committing suicide to a parent or  
10 guardian of the student within a reasonable amount of time after the  
11 identification of early warning signs as described by Subsection  
12 (b)(2);

13 (3) establishes that the district may develop a  
14 reporting mechanism and may designate at least one person to act as  
15 a liaison officer in the district for the purposes of identifying  
16 students in need of early mental health intervention or suicide  
17 prevention; and

18 (4) sets out available counseling alternatives for a  
19 parent or guardian to consider when their child is identified as  
20 possibly being in need of early mental health intervention or  
21 suicide prevention.

22 (e) The policy must prohibit the use without the prior  
23 consent of a student's parent or guardian of a medical screening of  
24 the student as part of the process of identifying whether the  
25 student is possibly in need of early mental health intervention or  
26 suicide prevention.

27 (f) The policy and any necessary procedures adopted under

1 Subsection (d) must be included in:

2 (1) the annual student handbook; and

3 (2) the district improvement plan under Section  
4 11.252, Education Code.

5 (g) The department may accept donations for purposes of this  
6 section from sources without a conflict of interest. The  
7 department may not accept donations for purposes of this section  
8 from an anonymous source.

9 (h) Not later than January 1, 2013, the department shall  
10 submit a report to the legislature relating to the development of  
11 the list of programs and the implementation in school districts of  
12 selected programs by school districts that choose to implement  
13 programs. This subsection expires September 1, 2013.

14 (i) Nothing in this section is intended to interfere with  
15 the rights of parents or guardians and the decision-making  
16 regarding the best interest of the child. Policy and procedures  
17 adopted in accordance with this section are intended to notify a  
18 parent or guardian of a need for mental health intervention so that  
19 a parent or guardian may take appropriate action. Nothing in this  
20 section shall be construed as giving school districts the authority  
21 to prescribe medications. Any and all medical decisions are to be  
22 made by a parent or guardian of a student.

23 SECTION 4. Section 11.252(a), Education Code, is amended to  
24 read as follows:

25 (a) Each school district shall have a district improvement  
26 plan that is developed, evaluated, and revised annually, in  
27 accordance with district policy, by the superintendent with the

1 assistance of the district-level committee established under  
2 Section 11.251. The purpose of the district improvement plan is to  
3 guide district and campus staff in the improvement of student  
4 performance for all student groups in order to attain state  
5 standards in respect to the student achievement indicators adopted  
6 under Section 39.053. The district improvement plan must include  
7 provisions for:

8           (1) a comprehensive needs assessment addressing  
9 district student performance on the student achievement  
10 indicators, and other appropriate measures of performance, that are  
11 disaggregated by all student groups served by the district,  
12 including categories of ethnicity, socioeconomic status, sex, and  
13 populations served by special programs, including students in  
14 special education programs under Subchapter A, Chapter 29;

15           (2) measurable district performance objectives for  
16 all appropriate student achievement indicators for all student  
17 populations, including students in special education programs  
18 under Subchapter A, Chapter 29, and other measures of student  
19 performance that may be identified through the comprehensive needs  
20 assessment;

21           (3) strategies for improvement of student performance  
22 that include:

23                   (A) instructional methods for addressing the  
24 needs of student groups not achieving their full potential;

25                   (B) methods for addressing the needs of students  
26 for special programs, including:

27                           (i) [~~such as~~] suicide prevention programs,

1 in accordance with Subchapter O-1, Chapter 161, Health and Safety  
2 Code, which includes a parental or guardian notification procedure;

3 (ii) [~~7~~] conflict resolution programs;

4 (iii) [~~7~~] violence prevention programs; and

5 (iv) [~~7-07~~] dyslexia treatment programs;

6 (C) dropout reduction;

7 (D) integration of technology in instructional  
8 and administrative programs;

9 (E) discipline management;

10 (F) staff development for professional staff of  
11 the district;

12 (G) career education to assist students in  
13 developing the knowledge, skills, and competencies necessary for a  
14 broad range of career opportunities; and

15 (H) accelerated education;

16 (4) strategies for providing to middle school, junior  
17 high school, and high school students, those students' teachers and  
18 counselors, and those students' parents information about:

19 (A) higher education admissions and financial  
20 aid opportunities;

21 (B) the TEXAS grant program and the Teach for  
22 Texas grant program established under Chapter 56;

23 (C) the need for students to make informed  
24 curriculum choices to be prepared for success beyond high school;  
25 and

26 (D) sources of information on higher education  
27 admissions and financial aid;

1 (5) resources needed to implement identified  
2 strategies;

3 (6) staff responsible for ensuring the accomplishment  
4 of each strategy;

5 (7) timelines for ongoing monitoring of the  
6 implementation of each improvement strategy; and

7 (8) formative evaluation criteria for determining  
8 periodically whether strategies are resulting in intended  
9 improvement of student performance.

10 SECTION 5. Section 21.003(b), Education Code, is amended to  
11 read as follows:

12 (b) Except as otherwise provided by this subsection, a [A]  
13 person may not be employed by a school district as an audiologist,  
14 occupational therapist, physical therapist, physician, nurse,  
15 school psychologist, associate school psychologist, marriage and  
16 family therapist, social worker, or speech language pathologist  
17 unless the person is licensed by the state agency that licenses that  
18 profession and~~[. A person]~~ may perform specific services within  
19 those professions for a school district only if the person holds the  
20 appropriate credential from the appropriate state agency. As long  
21 as a person employed by a district before September 1, 2011, to  
22 perform marriage and family therapy, as defined by Section 502.002,  
23 Occupations Code, is employed by the same district, the person is  
24 not required to hold a license as a marriage and family therapist to  
25 perform marriage and family therapy with that district.

26 SECTION 6. Section 502.004, Occupations Code, is amended to  
27 read as follows:



1           Sec. 502.004. APPLICATION OF CHAPTER. This chapter does  
2 not apply to:

3           (1) the activities, within the scope of a person's  
4 employment, of a person employed to perform marriage and family  
5 therapy by a federal, state, county, or municipal agency or, except  
6 as provided by Section 21.003(b), Education Code, by a public or  
7 private educational institution[~~, if the activities are within the~~  
8 ~~scope of the person's employment~~];

9           (2) the activities of a student, intern, or trainee in  
10 marriage and family therapy in a recognized course of study in  
11 marriage and family therapy at an accredited institution of higher  
12 education or other training institution, if:

13           (A) the activities constitute a part of the  
14 course of study; and

15           (B) the person is called a "marriage and family  
16 therapist intern" or similar title;

17           (3) the activities and services of a person licensed  
18 to practice another profession, including a physician, attorney,  
19 registered nurse, occupational therapist, psychologist, social  
20 worker, or licensed professional counselor; or

21           (4) the activities and services of a recognized  
22 religious practitioner, including a pastoral counselor or  
23 Christian Science practitioner recognized by the Church of Christ  
24 Scientist as registered and published in the Christian Science  
25 Journal, if the practitioner practices marriage and family therapy  
26 in a manner consistent with the laws of this state.

27           SECTION 7. As soon as practicable after the effective date

1 of this Act, the State Board for Educator Certification shall  
2 propose rules for the administration of Section 21.003(b),  
3 Education Code, as amended by this Act.

4 SECTION 8. This Act applies beginning with the 2012-2013  
5 school year.

6 SECTION 9. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1386 was passed by the House on May 13, 2011, by the following vote: Yeas 107, Nays 29, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1386 on May 26, 2011, by the following vote: Yeas 111, Nays 32, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1386 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 28, Nays 3.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor