85th Legislative Session Update
STEPHANIE KNEEDLER
TASP GOVERNMENT AND PROFESSIONAL RELATIONS CHAIR

Session Summary
Slow moving session
- $5 billion shortfall
- 6,631 bills filed
- 1,135 passed (17% passage rate!)
- Lowest passage rate in 20 years

Focus on Mental Health
Within the state budget:
- $300 million for new construction, significant repairs and increased capacity at state mental health hospitals
- $62.7 million to eliminate projected waiting lists for community mental health services for adults and children
- $37.5 million for a new mental health jail diversion program
School Psychology Bills

HB 627 (Gutierrez) & SB 1792 (Miles)
- Practice in private schools
- Did not pass (not heard)

HB 1297 (Casper)
- Practice in private clinics
- Did not pass (not heard)

Practice in Private Schools and the TSBE
- Recommended as a rule change by TSBE
- Vote will be held by the board in August
- Opportunity for public comment before vote

Practice Definition Bills

SB 2001 (Watson) & HB 3266 (Coleman)
- Established practice definition
  - TASP call to action
  - Office refused amendment to include TASP issues
  - SB issue was considered a "must pass" bill (including issues not heard threatened it's passage)
  - Not based on the merit of the issues
- Content of SB 2001 included in HB 3266 (loan repayment for certain mental health professionals)
  - Sent to Governor

Establishes a practice definition of psychology as the observation, description, diagnosis, evaluation, assessment, interpretation, or treatment of and intervention in human behavior by applying education, training, methods, and procedures for the purpose of:

Preventing, predicting, treating, remediating, or eliminating asymptomatic, maladaptive, or undesired behavior; emotional, interpersonal, learning, substance use, neuropsychological, cognitive, or behavioral disorders or disabilities, including those that accompany medical problems, or mental illness.

Evaluating, assessing, or facilitating, by a license holder or a person who represents the person to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology," the enhancement of individual, group, or organizational effectiveness, including evaluating, assessing, or facilitating personal effectiveness, adaptive behavior, interpersonal relationships, academic, vocational, and life adjustment; health, or individual, group, or organizational performance;

Providing psychological, neuropsychological, and psychoeducational evaluation, therapy, and remediation as well as counseling, psychoanalysis, psychotherapy, hypnosis, and biofeedback;

Consulting with others, including other mental health professionals, physicians, school personnel, or organizations within the scope of the provider's competency and training with respect to services provided for a specific individual.
Sunset Bills
HB 3302 (Gonzales) & SB 310 (Taylor)
- Sought to continue the TSBEP
- Among many other agencies regulating medicine, social work, marriage and family therapy and professional counseling
- Did not pass (no vote on HB/no hearing on SB)

Special Session Called
- Will begin July 4th
- Sunset bills are top priority
- Other issues the Governor wants heard (including the controversial “bathroom bill” and school choice for students in special education) following passage of Sunset bill

Sunset Bills
If not passed
- TSBEP will stop operations
- No longer a regulatory body for the practice of psychology
- Recognize issuing licenses (present licenses become void)

Call to action
- Call your Representative/Senator with a simple message:
  - My name is [Your Name]. I am a constituent of [Senator/Representative’s Name]. As a licensee of the TSBEP, I support the passage of the Sunset bill at the upcoming special session.
  - Include a personal detail/thought on the implications for the mental health needs of students in Texas, impact on families, etc.
  - Do not email

Bills Tracked by GPR: Did Not Pass
House Bill 3853 (Coleman)
- Availability of mental behavioral health professionals at certain public schools (SBPs included)
- Did not pass (no vote)

House Bill 3812 (Huberty)
- Allotment under the foundation school program for students with dyslexia or related disorders
- Did not pass (no hearing)

Senate Bill 2154 (Taylor)
- The practice of and the billing codes used by certain mental health professionals (LMFTs, CDCs)
- Identical House Companion Bill Sent to Governor

House Bill 3599 (Huberty)
- Parental rights and information regarding certain intervention strategies used with public school students
- Identical Senate Companion Bill Sent to Governor
House Bill 3861 (Rodriguez)
- Relating to a public school's ability using a turnaround plan to operate as a community school
  - Did not pass (no vote)

Senate Bill 1359 (Hinojosa)/House Bill 3268 (Coleman)
- Relating to the licensing and practice of psychological associates.
  - Did not pass (no vote SB/no-hearing HB)
  - Proposed as a rule change by TSBEP

House Bill 11 (Price)
- Relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, educational programs, state and regional programs and services, and health care services for students.
  - Did not pass (no vote)

House Bill 194 (Bernal)
- Providing for endorsements for public high school students enrolled in special education programs
  - Did not pass (no vote)

House Bill 353 (Bernal)
- Assignment of certain behavioral health professionals to certain public schools.
  - Did not pass (no hearing)

House Bill 2127 (Springer)
- Exemption of certain school districts from the placement and use of video cameras in certain self-contained classrooms or other settings providing special education services.
  - Did not pass (no hearing)

House Bill 2886
- Creation of Texas Behavioral Health Executive Council
  - Did not pass (no vote)

House Bill 2879 (Simmons)
- Regulation of discrimination by political subdivisions
  - Did not pass (no vote)

Senate Bill 19 (Huffman)/House Bill 510 (Davis)
- Payroll deductions for state and local government employee organizations.
  - Did not pass (no hearing)
  - Similar Senate Companion Bill Sent to Governor

House Bill 69 (Guillen)
- Relating to a requirement that school districts and open-enrollment charter schools report certain information regarding children with disabilities who reside in residential facilities.
  - Identical Senate Companion Bill Sent to Governor

House Bill 77 (Metcalf)
- Use of individual graduation committees to satisfy certain public high school graduation requirements
  - Similar Senate Companion Bill Sent to Governor

House Bill 475 (Huberty)
- Prohibition of a monitoring system performance indicator based on the number or percentage of students receiving special education services.
  - Identical Senate Companion Bill Effective Immediately
Bills Tracked by GPR: Passed

**House Bill 10**
- Establishes an ombudsman for behavioral health access to care (with liaison to field complaints)
- Establishes a mental health condition and substance use disorder workgroup
- Requires benefits and coverage for mental health conditions and substance use disorders under the same terms and conditions applicable to the plan's medical and surgical benefits and coverage.
- Sent to the Governor
- Effective September 1, 2017/Health Plan Clause Effective After January 1, 2018

**House Bill 61**
- Changes the state accountability system to highlight the academic achievements of students who exit a special education program
- Amends the Education Code to add to the public school accountability system, the percentage of students formerly receiving special education services who achieved satisfactory academic performance
- Mandates that upon written request, a school must provide and place a video camera in self-contained classrooms or other special education settings in which the majority of students are served through special education (designates a district administrator to manage camera requests).
- Sent to the Governor
- Effective 2017-2018 school year

**House Bill 1556**
- Seeks to clarify a foster parent’s role in representing a child with a disability in the education system
  - If the Department of Family and Protective Services (DFPS) is the permanent managing conservator of a child, and a foster parent cares for the child, a foster parent can become the “special education decision maker” for the child
  - School districts would be required to appoint a surrogate parent if the district is unable to identify a parent for the child, or if the foster parent is unwilling to serve as the special education decision maker for the child
- Sent to the Governor
- Effective September 1, 2017
**House Bill 550**
- Provides for the early identification of and intervention for a child with dyslexia to improve the child’s academic success.
- Requires that students enrolled in Texas public schools be screened or tested, as appropriate, for dyslexia and related disorders at the end of kindergarten and first grade school years.
- Requires the employment of dyslexia specialists by regional education service centers, and the development by the Texas Education Agency of a list of training opportunities for educators regarding dyslexia.
- Provisions for transition planning including student involvement, parent involvement (including those invited by parent or school district), preparation for post-secondary coursework/independent living/employment opportunities, independent living goals, facilitating referrals for public benefits, changes to IEP if needed.
- Provisions of transition and employment guide (to include waiting list options, decision-making agreements) to be shared with families.
- Requirement to inform families of the transfer of rights and information regarding guardianship one year before the 18th birthday of a child with a disability.

  Transition pieces to begin 2018-2019 school year
  Dyslexia pieces effective 2017-2018 school year

**Senate Bill 546**
- Establishes a regulatory framework for behavior analysts and assistant behavior analysts.
- Amends the Occupations Code to enact the Behavior Analyst Licensing Act and create the Behavior Analyst Advisory Board. The bill establishes the activity that constitutes the practice of applied behavior analysis.
- Requires the advisory board to provide advice and recommendations to the Texas Department of Licensing and Regulation (TDLR). Authorizes TDLR, or the executive director of TDLR to enforce the bill’s provisions, a rule adopted under those provisions, or an order of the commission or executive director as provided by statutory provisions relating to administrative penalties and relating to other penalties and enforcement provisions applicable to licenses and certifications.

  Effective September 1, 2018, prohibits a person, except as otherwise provided by the bill, from engaging in the practice of applied behavior analysis, using the titles “licensed behavior analyst” or “licensed assistant behavior analyst,” as appropriate, or using the title “behavior analyst,” unless the person holds a license under the bill’s provisions.

  Includes behavior analaysis among the health-related professions with respect to which the commission’s regulatory rulemaking authority is subject to certain requirements relating to the role of the profession’s advisory board.

  Sent to the Governor

  Effective September 1, 2018

**House Bill 551**
- Amends the Education Code with regard to transition planning for a public school student enrolled in a special education program to revise the issues a student’s admission, review, and dismissal (ARD) committee is required to consider and, if appropriate, address in the student’s individualized education program (IEP).
- Provisions for transition planning including student involvement, parent involvement (including those invited by parent or school district), preparation for post-secondary coursework/independent living/employment opportunities, independent living goals, facilitating referrals for public benefits, changes to IEP if needed.
- Provisions of transition and employment guide (to include waiting list options, decision-making agreements) to be shared with families.
- Requirement to inform families of the transfer of rights and information regarding guardianship one year before the 18th birthday of a child with a disability.

  Signed by the Governor

  Effective 2018-2019 school year

**House Bill 552**
- Requires the Texas health and human services commission to adopt rules and develop a list of proposed facilities that provide, in a 24-hour setting or care of a person 21 years of age or older who is receiving services in a residential facility that provides services to persons with intellectual disabilities and requires those facilities be included in the notice required by the facility relating to the facility’s school records, behavioral treatment plan, and intake and exit process.

  Sent to the Governor

  Effective 2017-2018 school year
### Senate Bill 283
- Defines bullying as a single or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and includes engaging in written or verbal expressions, electronic communication, actions, or symptoms of violence, verbal threats, or any conduct that physically, mentally, or emotionally harms, intimidates, torments, harasses, or injures the victim or the victim’s property. Requires school districts to adopt a policy prohibiting bullying and establishes procedures for reporting, investigating, and responding to bullying. Requires school districts to inform parents and guardians of the policy and procedures.

### Senate Bill 525
- Entitles each school district to notify a parent of each child receiving assistance from the district for learning difficulties. Requires the district to provide written notice to the parent that the child is receiving assistance and to inform the parent of the right to appeal the decision to the commissioner of education. Requires the district to maintain a record of all notices provided to parents.

### Senate Bill 2080
- Expands the definition of bullying to include acts that exploit an imbalance of power, including electronic communication, actions, or symptoms of violence, verbal threats, or any conduct that physically, mentally, or emotionally harms, intimidates, torments, harasses, or injures the victim or the victim’s property. Requires school districts to adopt a policy prohibiting bullying and establishes procedures for reporting, investigating, and responding to bullying. Requires school districts to inform parents and guardians of the policy and procedures.

### Senate Bill 2017
- Requires school districts to maintain a record of all notices provided to parents regarding a child receiving assistance from the district for learning difficulties. Requires the district to inform the parent of the right to appeal the decision to the commissioner of education. Requires the district to maintain a record of all notices provided to parents.
Senate Bill 463:
• Amends current law relating to the use of individual graduation committees to satisfy certain public high school graduation requirements and other alternative methods to satisfy certain public high school graduation requirements.
• Extends previous bill which allows for students who are juniors or seniors and fail to pass one or two end-of-course exams required for graduation to receive consideration by an individual graduation committee (IGC). The IGC requires the student to complete additional remediation and completion of a project or portfolio in the area in which the student failed the exam. The IGC considers, when determining whether the student will graduate, factors such as the student's grades in relevant coursework, overall attendance rate, scores on the Texas Success Initiative, and completion of dual credit and courses toward a professional certification, as well as the student's preparedness for college or career.

Sent to the Governor
Effective September 1, 2017

Other Noteworthy Bills

- Senate Bill 4
  Expires any city (allowing law enforcement authority to question an individual's immigration status and deporting with relevant sequency). Children are subject to the provisions of bill.
  - Passed
- Senate Bill 1849
  Known as the “Sandra Bland Act” this bill requires that county jails divert people with mental health or substance abuse issues toward treatment, makes it easier for those with a mental illness or intellectual disability to receive, as well as requires independent investigations of jail deaths.
  - Passed
- House Bill 4
  As an effort to overhaul the child welfare system, this bill increases the amount of money given to relative caregivers.
  - Passed
- House Bill 13
  Acts to improve the process for removing children from dangerous homes.
  - Passed
- House Bill 7
  Changes to the A-F rating system for school districts.
  - Passed
- Senate Bill 725
  Districts may elect to provide food at no cost to students who are unable to purchase meals.
  - Signed by the Governor
- Senate Bill 3
  Private school choice bill was never heard by the House (passed in the Senate)
  - Did not pass
Going Forward

Prepare for the next legislative session by educating our elected officials on the practice of school psychology and what school psychologists do for students

- Share materials with your elected officials:
  - What is LSSP?
  - Who are School Psychologists?
- Develop a relationship with your legislators:
  - Make an appointment with your elected officials to discuss the field of school psychology
  - Invite legislators to visit your campus/meet your team

Resources

- Passed/Effective Bill List
- Texas Legislature Online
- Who Represents Me?

Contact Me: govtrelations@txasp.org