

Review of

# **CHILDREN'S MENTAL HEALTH**

Policy Progress During the 2021 Texas Legislative Session

An excerpt from our report:

**Texas Children and the 2021 Legislative Session**



# Review of Children's Mental Health Policy Progress During the 2021 Texas Legislative Session

This session we were pleased to see legislators pass bills in support of social-emotional learning (SEL), school counseling, and suicide prevention, but the Legislature failed to take other steps to adequately support student mental health and address the trauma of the pandemic. After years of effort by our staff and partners to highlight the importance of SEL, the Legislature passed bills to allow districts to use an existing funding stream to provide SEL programs and to ensure key SEL skills are incorporated into school curricula and programs. Lawmakers also passed a bill to ensure school counselors can spend more of their time counseling students. Unfortunately, the Legislature failed to dedicate funding for schools or the Texas Education Agency (TEA) to address learning loss rooted in the social-emotional effects of the pandemic or to prevent students whose behaviors are rooted in trauma from being pushed out of their classrooms. Additionally, we worked closely with legislators and our Texas Suicide Prevention Council partners on proposals to help reduce the rising rates of youth suicide in Texas. We appreciate the Legislature passing bills to require student IDs to include contact information for suicide prevention crisis services; improve suicide prevention practices in foster care facilities; and continue the Statewide Behavioral Health Coordinating Council work to improve suicide prevention efforts across state agencies.

There was frequent discussion this legislative session about the impact of the pandemic on student mental health, and we were glad to see the Legislature pass two bills that support student SEL within schools. HB 332 by Rep. James Talarico and Sen. Eddie Lucio, Jr. allows school districts to use compensatory education funds to provide programs that build skills related to managing emotions, establishing and maintaining positive relationships, and making responsible decisions. The bill ultimately passed as an amendment to HB 1525 by Rep. Dan Huberty and Sen. Larry Taylor. Additionally, the Legislature passed SB 123 by Sen. Nathan Johnson and Rep. John Turner to ensure SEL

skills are integrated within state curriculum standards and character education programs. Over the past several sessions, our team and partners have consistently called on legislators to address the important link between social-emotional development, mental health, and student learning — something that has become even more critical in the wake of the pandemic. We appreciate these legislators working to pass these bills and collaborating with our team and partners.

The Legislature also passed SB 179 by Sen. Lucio and Rep. Dan Huberty, giving school counselors more time to focus on what they

are trained to do — counsel students — and reducing the time they spend on administrative duties, such as overseeing standardized testing. The bill required years of effort by legislators and stakeholders, with the Texas Counseling Association leading the advocacy efforts. The Legislature also provided targeted increases in funding for programs to help connect students with mental health services in school or in the community through the Texas Child Access Through Telemedicine (TCHAT) program and Communities in Schools.

We were also pleased to see the Legislature pass bills aimed directly at preventing youth suicide. SB 279 by Sen. Juan “Chuy” Hinojosa

and Rep. John Bucy requires student ID cards in grades 6-12 and higher education to include the contact information for suicide prevention crisis services. The Legislature also passed HB 4041 by Rep. Victoria Neave as an amendment to SB 1896 (an omnibus foster care bill by Senator Lois Kolkhorst and Rep. James Frank) to require residential child care facilities and foster care child placing agencies to have evidence-based suicide prevention, intervention, and postvention policies in place. Additionally, the Legislature passed HB 4074 by Rep. Todd Hunter and Sen. José Menéndez to require the Statewide Behavioral Health Coordinating Council to prioritize data-informed suicide prevention efforts in its strategic planning and



interagency coordinating efforts. A rider in the state budget bill also requires the Council to provide an update to a report on suicide and suicide prevention in Texas that was required by HB 3980 from the 2019 session, with additional data and recommendations specific to suicides among youth in foster care. HB 1144 by Rep. Ana-Maria Ramos was scheduled for a House vote but unfortunately did not come up before the deadline to pass. The bill would have ensured school districts provide educators with suicide prevention training at least once every two years. Our team helped lead advocacy efforts on these bills in coordination with the Texas Suicide Prevention Council.

Children and youth with mental health concerns need access to treatment and support services to keep them as connected as possible to their families, schools, and communities. With the passage of SB 642 by Sen. Royce West and Rep. Gina Hinojosa, families will be able to access residential treatment services for their children through HHSC's relinquishment avoidance program without DFPS first conducting a child abuse or neglect investigation. Unfortunately, the Legislature failed to pass other bills that would have improved access to treatment and recovery services for young people. For example, the clock ran out on HB 240 by Rep. Senfronia Thompson after it was scheduled for a vote of the full House. The bill, and its Senate companion, SB 51 by Sen. Judith Zaffirini, would have required private health plans to cover treatment of serious emotional disorders among children. The Legislature also failed to pass bills that aimed to improve access to youth and family peer support services that help keep children and youth with significant mental health concerns in their homes and communities and out of more restrictive and costly settings, like hospitals, foster care, and the justice system.

Despite the positive steps outlined above, the Legislature largely fell short of ensuring that schools are equipped to support students' mental health. The Legislature failed to dedicate either state or federal funding to help schools implement multi-tiered systems of support to address learning loss rooted in the social-emotional effects of the pandemic. The House passed a budget rider that would have dedicated funding in the School Safety Allotment to social, emotional, mental health, and school climate strategies, but the conference committee removed the rider from the budget. We will monitor implementation of the budget to determine if a last-minute budget rider will allow TEA to use federal COVID relief funding to provide meaningful support to SEL and student mental health strategies allowable under the federal law. During the upcoming special session, the Legislature should work to ensure that federal relief funding is available to school districts to address this challenge.

The Legislature also neglected to pass important bills to help ensure schools respond to student trauma and other mental health concerns in ways that support students' education, health, and safety. For example, the Senate did not hold a hearing on two key bills by Sen. Menéndez: SB 406 would have required school boards and superintendents to receive training in trauma-informed schoolwide practices and SB 2063 would have provided alternatives to suspension or expulsion for lower-level student conduct related to substance use. These bills would have helped ensure that behaviors rooted in trauma and other mental health concerns don't contribute to educational gaps and the school-to-prison pipeline. The Legislature did pass a bill requiring school boards to receive training on school safety, HB 690 by Rep. Metcalf and Sen. Zaffirini, so we will work to ensure trauma-informed training is included as the bill is implemented.

# Outcomes for Key Children's Mental Health Legislation

**PASSED**

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## Support Children in School

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**HB 159 by Rep. M. González**

Similar to SB 180 by Sen. Lucio

This bill improves training and staff development for educators to enable them to more effectively serve all students, including requirements related to mental health, substance abuse, youth suicide, multi-tiered systems of support, and positive behavior intervention strategies.

**HB 332 by Rep. Talarico**

Similar to SB 2004 by Sen. Lucio;  
Passed as a provision of HB 1525  
by Rep. Huberty

This bill allows school districts to use compensatory education funds to help students develop social and emotional skills.

**SB 123 by Sen. Johnson**

This bill integrates social emotional learning skills into state curriculum standards and character education programs.

**SB 168 by Sen. Blanco**

Similar to HB 1016 by Rep. Perez

This bill requires school districts to take steps to support the social emotional wellness and mental health of students when conducting active shooter drills on school campuses.

**SB 179 by Sen. Lucio**

Similar to HB 589 by Rep. Gonzalez

This bill supports school counselors being able to focus their time on core counseling duties.

**SB 279 by Sen. Hinojosa**

Similar to HB 1745 by Rep. Hernandez  
and HB 1014 by Rep. Bucy

This bill adds suicide prevention information to student identification cards in grades 6-12 and higher education.

**SB 2050 by Sen. Menéndez**

This bill emphasizes positive school climates, healthy relationships, and student health and wellness initiatives as part of school district bullying prevention efforts.

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## Support Children in their Community

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**HB 3121 by Rep. J. Turner**

Similar to SB 1218 by Sen. Johnson

This bill creates a voluntary certification process for psychiatric residential care facilities serving youth to encourage heightened quality of care standards.

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## Support Children in their Community (continued)

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### HB 4041 by Rep. Neave

Passed as a provision of SB 1896  
by Sen. Kolkhorst

This bill requires residential child care facilities and child-placing agencies serving children and youth in foster care to have evidence-based suicide prevention, intervention, and postvention policies in place.

### HB 4074 by Rep. Hunter

Similar to SB 2068 by Sen. Menéndez

This bill requires the Statewide Behavioral Health Coordinating Council to prioritize data-informed suicide prevention efforts in its strategic planning and interagency coordinating efforts.

### SB 642 by Sen. West

This bill enables a child to access residential treatment services through HHSC's relinquishment avoidance program without having DFPS first conduct a child abuse or neglect investigation.

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## DID NOT PASS

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## Support Children in School

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### HB 62 by Rep. Talarico

Similar to HB 1201 by Rep. Wu

This bill would have supported the use of preventative and restorative discipline practices that teach students skills needed to manage conflict and build relationships while keeping all students safe and connected within their school community.

### HB 1144 by Rep. Ramos

This bill would have required districts to provide educators with training in suicide prevention at least once every two years.

### HB 2975 by Rep. Hull

This bill would have prohibited law enforcement or school security from using handcuffs or chemical irritant spray on a student 10 years of age or younger while on school grounds.

### SB 406 by Sen. Menéndez

Similar to HB 4249 by Rep. Talarico

This bill would have required school boards and superintendents to receive training in trauma-informed schoolwide practices.

### SB 980 by Sen. Powell

Similar to HB 2954 by Rep. S. Thompson

This bill would have assisted districts in addressing suicide prevention in elementary school campuses.

### SB 2063 by Sen. Menéndez

This bill would have promoted district practices to address substance use among students in ways that keep all students safe and help those who need targeted support.

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## Support Children in their Community

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**HB 240 by Rep. S. Thompson**

Similar to SB 51 by Sen. Zaffirini

This bill would have required private health plans to cover treatment of serious emotional disorders among children.

**HB 1432 by Rep. Romero**

Similar to SB 662 by Sen. Powell

This bill would have increased access to peer support services for youth who are over age 13.

**HB 4265 by Rep. Rose**

Similar to SB 2104 by Sen. Zaffirini

This bill would have increased access to peer support services for youth and the families that care for them.

**SB 2068 by Sen. Menéndez**

This bill would have improved suicide-related data collection and information sharing to assist in statewide suicide prevention efforts.

**SB 2070 by Sen. Menéndez**

This bill would have required state agencies serving on the Statewide Behavioral Health Coordination Council, including child-serving agencies, to adopt model suicide prevention, intervention, and postvention policies.

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