

85th Legislative Session Update

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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 1770 (Miles)

- Practice in private schools
- Did not pass (not heard)

HB 2357 (Cospser)

- Practice in private clinics
- Did not pass (not heard)

Practice in Private Schools and the TSBEP

- Recommended as a rule change by TSBEP
- 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 2001 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 3808](#) (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; or

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 18th
- 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
 - No agency issuing licenses (present licenses become void)

Call to action

- Call your Representative/Senator with a simple message:
 - *My name is Stephanie Kneedler, I am a constituent of Senator Schwertner/Representative Dale. As a licensee of the TSBEP, I support the passage of the Sunset bill at the upcoming special session.*
 - Include a personal detail/thought: 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 certain behavioral health professionals at certain public schools (LSSPs 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 1339 (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 TSBE

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 1627 (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 2898

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

House Bill 2899 (Simmons)

- Regulation of discrimination by political subdivisions
- Did not pass (no vote)

Senate Bill 13 (Huffman)/House Bill 510 (Davis)

- Payroll deductions for state and local government employee organizations.
- Did not pass (no hearing SB/HB)

Senate Bill 242 (Burton)

- Right of a child's parent to public school records and information concerning the child.
- Did not pass (no hearing)

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 363 (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
 - Includes "children's mental health providers"
- 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 1886:

- 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 the 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.
 - Provision of transition and employment guide (to include waiting list options, decision-making agreement) 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
- Sent to the Governor
Transition pieces to begin 2018-2019 school year/Dyslexia pieces effective 2017-2018 school year

Senate Bill 489:

- Establish 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 license holders.
- 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 analysts 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

Senate Bill 748:

- 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.
- Provision of transition and employment guide (to include waiting list options, decision-making agreement) 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 1566:

- Amends current law and requires a residential facility that provides 24-hour custody or care of a person 22 years of age or younger to provide to a public school district or open-enrollment charter school that provides educational services to a student placed in the facility, any information retained by the facility relating to the student's school records, behavioral history, and record of arrests or indictments
- Sent to the Governor
- Effective 2017-2018 school year

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, score 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
- Prohibits sanctuary cities (allowing law enforcement authority to question an individual's immigration status and complying with detainer requests); Children are subject to the provisions of SB 4.
 - 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, make it easier for those with a mental illness or intellectual disability to receive bond as well as require 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 7
- Aims to improve the process for removing children from dangerous homes
 - Passed

Other Noteworthy Bills

- House Bill 5
- Makes the Department of Family and Protective Services a standalone agency
 - Passed
- Senate Bill 11
- Allows contracted non-profits to monitor children in foster care and adoptive homes
 - Passed
- House Bill 22
- Changes to the A-F rating system for school districts
 - Passed
- Senate Bill 725
- District 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 a ISSP?](#)
 - [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: govrelations@txasp.org
