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**Regional Mental  
Health Resources  
Inventory**

Each ESC shall use the rubric developed and provided by the Texas Education Agency (TEA) under Education Code 38.251 (Rubric to Identify Resources) to identify resources related to student mental health available to schools in the ESC's region, including evidence-based and promising programs and best practices, that:

1. Create school environments that support the social, emotional, and academic development of students;
2. Identify students who may need additional behavioral or mental health support before issues arise;
3. Provide early, effective interventions to students in need of additional support;
4. Connect students and their families to specialized services in the school or community when needed; and
5. Assist schools in aligning resources necessary to address the mental health of students.

*Education Code 38.252(a)*

ESC Consultations

An ESC may consult with any entity the ESC considers necessary in identifying resources including school districts, local mental health authorities, community mental health services providers, education groups, hospitals, and institutions of higher education. *Education Code 38.252(b)*

ESC Report to TEA

*Initial*

Not later than March 1, 2020, each ESC shall complete the regional inventory of mental health resources described above and report to TEA on the resources identified. *Acts 2019, 86th Leg., R.S., Ch. 464 (S.B. 11), Sec. 27, eff. June 6, 2019*

*Ongoing*

Not later than March 1 of each even-numbered year, each ESC shall use the revised rubric received from TEA to identify, in the manner described above, any additional resources that may be available to schools in the ESC's region; and submit to TEA a report on resources identified through the process, including any additional resources. *Education Code 38.252(c)*

**Employment of  
Non-Physician  
Mental Health  
Professional**

A local mental health authority shall employ a non-physician mental health professional to serve as a mental health and substance use resource for school districts located in the region served by an ESC and in which the local mental health authority provides services.

If two or more local mental health authorities provide services in a region served by an ESC, the local mental health authority that primarily operates in the county in which the ESC is located shall:

1. Employ the non-physician mental health professional;
2. In making a hiring decision, consult with other local mental health authorities providing services in that region; and
3. Before making the final hiring decision, consult with the ESC.

*Education Code 8.152*

Definitions

*Local Mental Health Authority*

“Local mental health authority” means an entity to which the executive commissioner of the Health and Human Services Commission delegates the executive commissioner's authority and responsibility within a specified region for planning, policy development, coordination, including coordination with criminal justice entities, and resource development and allocation and for supervising and ensuring the provision of mental health services to persons with mental illness in the most appropriate and available setting to meet individual needs in one or more local service areas. *Health and Safety Code 571.003(11); Education Code 8.151*

*Non-Physician Mental Health Professional*

“Non-physician mental health professional” means a psychologist licensed to practice in Texas and designated as a health-service provider; a registered nurse with a master's or doctoral degree in psychiatric nursing; a licensed clinical social worker; a licensed professional counselor licensed to practice in Texas; or a licensed marriage and family therapist licensed to practice in Texas. *Health and Safety Code 571.003(15); Education Code 8.151*

Interagency Collaboration

A local mental health authority that employs a non-physician mental health professional and the ESC shall collaborate in carrying out Chapter 8, Subchapter E (Mental Health and Substance Use Resources for School District Personnel). *Education Code 8.153(a)*

Memorandum of Understanding

A local mental health authority and a regional education service center shall enter into a memorandum of understanding for the administration of Education Code Section 8.153. *Education Code 8.153(c)*

*Workspace*

Each ESC shall provide for a non-physician mental health professional employed for the region served by the ESC with a space for the professional to carry out the professional's duties described below. The local mental health authority that employs the professional shall pay the ESC a reasonable, negotiated cost-recovery fee for providing the space and administrative support as outlined in the memorandum of understanding. The cost-recovery fee may not exceed \$15,000 per year unless the local mental health authority and ESC agree to a higher amount. *Education Code 8.153(b)*

*Duties*

A non-physician mental health professional employed under Education Code Section 8.152 shall, to the greatest extent possible,

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work collaboratively with the ESC and shall act as a resource for the ESC and school district personnel by:

1. Helping personnel gain awareness and a better understanding of mental health and co-occurring mental health and substance use disorders;
2. Assisting personnel to implement initiatives related to mental health or substance use under state law or agency rules, interagency memorandums of understanding, and related programs;
3. Ensuring personnel are aware of:
  - a. The list of recommended best practice-based programs and research-based practices developed under Section 161.325, Health and Safety Code;
  - b. Other public and private mental health and substance use prevention, treatment, and recovery programs available in the school district, including evidence-based programs provided by a local mental health authority and other public or private mental health providers; and
  - c. Other available public and private mental health and substance use prevention, treatment, and recovery program resources administered by the local mental health authority or the Health and Human Services Commission to support school districts, students, and families;
4. On a monthly basis, facilitating mental health first-aid training;
5. On a monthly basis, facilitating training regarding the effects of grief and trauma and providing support to children with intellectual or developmental disabilities who suffer from grief or trauma; and
6. On a monthly basis, facilitating training on prevention and intervention programs that have been shown to be effective in helping students cope with pressures to:
  - a. Use alcohol, cigarettes, or illegal drugs; or
  - b. Misuse prescription drugs.

*Education Code 8.155(a)*

*Limitation on  
Duties*

A non-physician mental health professional employed under Education Section 8.152 may not treat or provide counseling to a student or provide specific advice to school district personnel regarding a student. *Education Code 8.155(b)*

Supervision

A local mental health authority that employs a non-physician mental health professional under Education Code Section 8.152 shall supervise the professional in carrying out the professional's duties under Education Code Section 8.155, and consult with any other local mental health authorities in the region and the ESC for input on supervising the professional. *Education Code 8.154*

**Mental Health  
Promotion**

TEA, in coordination with the Health and Human Services Commission and ESCs, shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting.

Programs and  
Practices

The list of recommended best practice-based programs and research-based practices must include the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

Donations

For purposes of Education Code Section 38.351, TEA, the Health and Human Services Commission, and each ESC may accept donations from sources without a conflict of interest and may not accept donations from an anonymous source.

*Education Code 38.351(a), (c), (m)*