

AN ACT

relating to grants for school-based health centers and reports submitted by those centers.

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

SECTION 1. Section 38.063, Education Code, is amended by amending Subsections (a), (b), (d), (e), (f), and (g) and adding Subsections (e-1) and (e-2) to read as follows:

(a) Subject to the availability of federal or state appropriated funds, the commissioner of state [~~public~~] health services shall administer a program under which grants are awarded to assist school districts and local health departments, hospitals, health care systems, universities, or nonprofit organizations that contract with school districts with the costs of [~~operating~~] school-based health centers in accordance with this section.

(b) The commissioner of state [~~public~~] health services, by rules adopted in accordance with this section, shall establish procedures for awarding grants. The rules must provide that:

(1) grants are awarded annually [~~to school districts on an annual basis~~] through a competitive process to:

(A) school districts; and

(B) local health departments, hospitals, health care systems, universities, or nonprofit organizations that have contracted with school districts to establish and operate school-based health centers;

1 (2) subject to the availability of federal or state
2 appropriated funds, each grant is for a term of five years; and

3 (3) a preference is given to school-based health
4 centers in school districts that are located in rural areas or that
5 have low property wealth per student.

6 (d) A school district, local health department, hospital,
7 health care system, university, or nonprofit organization may not
8 receive more than \$250,000 per state fiscal biennium through grants
9 awarded under this section.

10 (e) To be eligible to receive a grant, a school district,
11 local health department, hospital, health care system, university,
12 or nonprofit organization must provide matching funds in accordance
13 with rules adopted under Subsection (b). The matching funds may be
14 obtained from any source available to the district, local health
15 department, hospital, health care system, university, or nonprofit
16 organization, including in-kind contributions, community or
17 foundation grants, individual contributions, and local
18 governmental agency operating funds.

19 (e-1) A grant under this section may not be given to a
20 nonprofit organization that offers reproductive services,
21 contraceptive services, counseling, or referrals, or any other
22 services that require a license under Chapter 245, Health and
23 Safety Code, or that is affiliated with a nonprofit organization
24 that is licensed under Chapter 245, Health and Safety Code.

25 (e-2) A school district, local health department, hospital,
26 health care system, university, or nonprofit organization
27 receiving a grant under this section may use the grant funds to:

- 1 (1) establish a new school-based health center;
- 2 (2) expand an existing school-based health center; or
- 3 (3) operate a school-based health center.

4 (f) The commissioner of state [~~public~~] health services
5 shall adopt rules establishing standards for health care centers
6 funded through grants that place primary emphasis on delivery of
7 health services and secondary emphasis on population-based models
8 that prevent emerging health threats.

9 (g) The commissioner of state [~~public~~] health services
10 shall require client surveys to be conducted in school-based health
11 centers funded through grants awarded under this section[~~, and the~~
12 ~~results of these surveys must be included in the annual report~~
13 ~~required under Section 38.064~~].

14 SECTION 2. Section 38.064, Education Code, is amended to
15 read as follows:

16 Sec. 38.064. REPORT TO LEGISLATURE. (a) Based on
17 statistics obtained from every school-based health center in this
18 state that receives funding through the Department of State Health
19 Services, the Department of State Health Services [~~commissioner of~~
20 ~~public health~~] shall issue a biennial [~~an annual~~] report to the
21 legislature about the relative efficacy of services delivered by
22 the [~~school-based health~~] centers during the preceding two years
23 and any increased academic success of students at campuses served
24 by those centers, with special emphasis on any:

- 25 (1) increased attendance, including attendance
26 information regarding students with chronic illnesses;
- 27 (2) decreased drop-out rates;

1 (3) improved student health; ~~and~~

2 (4) increased student immunization rates;

3 (5) increased student participation in preventive
4 health measures, including routine physical examinations and
5 checkups conducted in accordance with the Texas Health Steps
6 program; and

7 (6) improved performance on student assessment
8 instruments administered under Subchapter B, Chapter 39.

9 (b) The Department of State Health Services may modify any
10 requirement imposed by Subsection (a) if necessary to comply with
11 federal law regarding confidentiality of student medical or
12 educational information, including the Health Insurance
13 Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d
14 et seq.) and the Family Educational Rights and Privacy Act of 1974
15 (20 U.S.C. Section 1232g) [~~In obtaining statistics for preparation~~
16 ~~of the report required by this section, the commissioner of public~~
17 ~~health shall ensure that data is collected for each county and~~
18 ~~aggregated appropriately according to geographical region].~~

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 281 was passed by the House on April 24, 2009, by the following vote: Yeas 95, Nays 41, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 281 on May 29, 2009, by the following vote: Yeas 138, Nays 2, 1 present, not voting.

Robert Hawley

Chief Clerk of the House

I certify that H.B. No. 281 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 30, Nays 0.

Patricia Spaul

Secretary of the Senate

APPROVED: 19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:00 O'CLOCK

JUN 19 2009

Colby Hunter III