

The Texas Education Agency (TEA) proposes new §§103.1401, 103.1403, 103.1405, 103.1407, and 103.1409, concerning the safe and supportive school program (SSSP) and trauma-informed care policy and training. The proposed new subchapter would implement Senate Bill (SB) 11, 86th Texas Legislature, 2019, by establishing rules for an SSSP and trauma-informed care.

BACKGROUND INFORMATION AND JUSTIFICATION: The 86th Texas Legislature, 2019, passed SB 11, which addressed policies, procedures, and measures for school safety and mental health promotion in public schools. The bill added Texas Education Code (TEC), §37.115, to require that TEA, in coordination with the Texas School Safety Center, adopt rules to establish an SSSP. The rules are required to incorporate research-based best practices for school safety.

SB 11 also added TEC, §38.036, which requires that each school district adopt and implement a policy requiring the integration of trauma-informed practices in each school environment. School districts must provide training related to trauma-informed care, and TEA is required to develop resources for school districts and adopt rules to administer the requirements for the policy and training.

Proposed new 19 TAC Chapter 103, Subchapter EE, would implement SB 11 as follows.

Proposed new §103.1401, Definitions, would establish the meanings of words and terms specific to the new subchapter.

Proposed new §103.1403, School District and Open-Enrollment Charter School Responsibilities for the Safe and Supportive School Program, would implement TEC, §37.115, by establishing the responsibilities for school districts and open-enrollment charter schools in implementing their SSSPs, including the duties of the superintendent or designee. In accordance with TEC, §37.115, the proposed new rule would require that each school be served by a designated SSSP team that includes multi-disciplinary expertise and facilitates multi-agency collaboration in order to accomplish its SSSP functions. The SSSP team must have appropriate decision-making authority to carry out functions for the SSSP and must be adequately resourced to ensure implementation of the SSSP for the designated school.

Proposed new §103.1405, Safe and Supportive School Program Team Roles and Capacity for Executing Functions, would implement TEC, §37.115, by establishing the SSSP team roles and capabilities for executing SSSP functions. In accordance with TEC, §37.115, the proposed new rule would require each SSSP team to develop and implement the SSSP at the district campus served by the team. The proposed new rule would also identify and describe the expertise categories that must be represented on each team.

Proposed new §103.1407, Requirements for the Six Primary Functions of the Safe and Supportive School Program, would implement TEC, §37.115, by specifying and describing the requirements for the following six functions of the SSSP: promoting a positive school climate; building a multi-tiered system of supports; conducting behavioral threat assessments; ensuring staff is well trained; collecting data to continuously improve; and supporting facility and school safety and security, including planning and implementation of the multi-hazard emergency operations plan. The proposed new rule would make an SSSP team responsible for developing and implementing the SSSP at the district campus served by the team and would authorize a team to serve more than one district campus, provided that each district campus is assigned a team. The proposed new rule would also require each SSSP team to conduct a threat assessment that includes specified components; provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and support the district in implementing the district's multi-hazard emergency operations plan.

Proposed new §103.1409, Trauma-Informed Care Policy and Training, would implement TEC, §38.036, by requiring each school district to adopt and implement a policy requiring the integration of trauma-informed practices in each school environment and include the policy in the district improvement plan. The proposed new rule would require the policy to address available counseling options for students affected by trauma or grief; methods, using resources developed by TEA, for increasing staff and parent awareness of trauma-informed care; and implementation of trauma-informed practices and care by district and campus staff. The proposed new rule would require the methods to include certain training specified by SB 11, including training for new district educators and training for existing district educators at intervals necessary to keep educators informed of developments in the field.

Districts would be required to maintain records that include the name of each district staff member who participated in the training and annually report certain information relating to training completion to TEA.

FISCAL IMPACT: Alejandro Delgado, deputy chief of staff for strategic initiatives, has determined that for the first five-year period the proposal is in effect there is no fiscal impact to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would create a new regulation. New 19 TAC Chapter 103, Subchapter EE, would be established to implement SB 11, which required that each school district create and implement an SSSP and include trauma-informed practices in each school environment.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not expand, limit, or repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Mr. Delgado has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be implementing SB 11 by providing school districts with information on the establishment of threat assessments and SSSP teams. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have a data and reporting impact to implement the requirements of SB 11, as authorized under TEC, §37.115(k) and §38.036(e). The collection of data would be phased in over several years. The first phase would include a survey that must be completed by all school districts and open-enrollment charter schools.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The public comment period on the proposal begins September 11, 2020, and ends October 12, 2020. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on September 11, 2020. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §37.115(b), as added by Senate Bill (SB) 11, 86th Texas Legislature, 2019, which requires the agency, in coordination with the

Texas School Safety Center, to adopt rules to establish a safe and supportive school program and requires that the rules incorporate research-based best practices for school safety; and TEC, §38.036(g), as added by SB 11, 86th Texas Legislature, 2019, which requires the commissioner to adopt rules for administering the trauma-informed care policy and training.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code, §37.115(b) and §38.036(g).

<rule>

§103.1401. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) Safe and supportive school program (SSSP)--A comprehensive approach to school safety driven by six primary functions, with an overarching goal to achieve both physical safety and psychological safety for all persons in the learning environment, including students, school personnel, service providers, law enforcement, volunteers, parents and guardians, and other community members interacting in the school. The SSSP integrates statutory requirements, including training requirements and research-based practices for school safety and school mental health, for a comprehensive approach to school safety. The six primary functions of the SSSP are:
 - (A) promoting a positive school climate;
 - (B) establishing a multi-tiered system of supports;
 - (C) conducting behavioral threat assessments;
 - (D) ensuring staff is well trained;
 - (E) collecting data to continuously improve; and
 - (F) supporting school facility and school safety and security, including planning and implementation of the multi-hazard emergency operations plan.
- (2) Safe and supportive school program team-- A group of individuals established by the board of trustees of a school district that is accountable to ensure that the six primary functions of the SSSP are effectively executed in a school. SSSP teams are comprised of individuals with multi-disciplinary expertise as required by Texas Education Code (TEC), §37.115, and facilitate the school-wide collaboration and multi-agency collaboration that is needed to effectively execute the functions of the SSSP.
- (3) Physical safety--The absence of bodily harm, injury, or the threat of harm. It may include providing a secure learning environment through school design and security measures such as, but not limited to, monitored entrances and exits, locked doors, appropriate exterior and interior lighting, and visitor check-in systems.
- (4) Psychological safety--The absence of mental or emotional injury or the threat of harm. It may include, but is not limited to, the perception of a safe, supportive, and positive school climate; an environment where students feel empowered to report any safety concerns; the quality of interpersonal interactions among students, school personnel, and peers; relationships that reflect care, high standards, and positive regard for others; ensuring equitable access to support services and connection to needed resources or treatment; and a sense of belonging and connectedness to a school community that promotes emotional well-being.
- (5) School climate--The quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the school district, parents or caregivers of those students, and personnel employed by, volunteering at, or working in the school. School climate can be measured with indicators to reflect the extent to which the school is perceived and experienced as positive by stakeholders.

- (6) Behavioral threat assessment--A proactive, evidence-based approach for identifying individuals who may pose a threat and for providing interventions before a violent incident occurs.
- (7) Multi-tiered system of supports (MTSS)--A research-based framework for the systemic alignment of initiatives, resources, staff development, prevention, intervention, services, and supports that integrate research-based practices and best-practice-based programs to support physical and psychological safety and learning in a school that addresses mental and behavioral health and the social-emotional domain for a safe and supportive school pursuant to TEC, §37.115. An MTSS that supports the SSSP includes addressing each of the statutory components under TEC, §38.351, with procedures and practices for each topic, including prevention and intervention for mental and behavioral health, which encompasses substance use; suicide prevention, intervention, and postvention; grief and trauma-informed practices; building skills related to managing emotions; establishing and maintaining positive relationships and positive decision making; positive behavior interventions and supports; positive youth development; positive, safe, and supportive school climates; and practices that include coordinated services and supports for physical and psychological safety. It is informed by a campus needs assessment and a quality self-assessment that addresses each of these components as well as behavioral threat assessment data, staff development, and academic and behavior data. It is guided by SSSP training for the MTSS and a comprehensive service delivery plan that includes staff development, procedures and practices, universal prevention, and tiered interventions that are equitably available to all students in collaboration with their parents or guardians.
- (8) School facility and school safety and security--A comprehensive approach to school safety that uses multiple sources of information, such as school climate surveys, best practices, school facility standards, school safety and security audits, multi-hazard emergency operations plans, and other relevant material, to inform and develop safety and security. The information from these sources should also be used to enhance and update the use and implementation of these same sources.

§103.1403. School District and Open-Enrollment Charter School Responsibilities for the Safe and Supportive School Program.

- (a) Each school campus shall be served by a designated safe and supportive school program (SSSP) team.
 - (1) The SSSP team shall have appropriate decision-making authority to carry out functions for the SSSP and must be adequately resourced to ensure implementation of the SSSP for the designated school.
 - (2) The superintendent or designee shall determine the structure of an SSSP team and its reporting accountabilities in compliance with Texas Education Code (TEC), §37.115, and this section based on local needs, including consideration of the size of the school district or open-enrollment charter school. One of the following SSSP team structures must be selected to ensure each campus is served by an SSSP team:
 - (A) single-campus team, where a dedicated team serves each individual campus; or
 - (B) multiple-campus team, where a team or teams serve multiple campuses, provided that each school campus is served by a team.
- (b) The superintendent or designee shall:
 - (1) designate SSSP team members in the expertise categories identified in §103.1405(a) of this title (relating to Safe and Supportive School Program Team Roles and Capacity for Executing Functions) to create a multi-disciplinary team pursuant to TEC, §37.115;
 - (2) establish roles, responsibilities, reporting relationships, policies and procedures, and an action plan to guide the work of the SSSP team in accordance with school district or open-enrollment charter school policies, procedures, and applicable state and federal laws and rules;
 - (3) designate human resources expertise to a committee, along with other required expertise categories, if a committee is designated to oversee SSSP teams, pursuant to TEC, §37.115;
 - (4) ensure strategies for the SSSP team to:

- (A) plan and implement SSSP multi-tiered system of supports (MTSS) with training from the Texas Education Agency, which includes domains for comprehensive school mental health and a self-assessment process; and
- (B) develop practices to build on and coordinate with any existing systems of student services in a school, such as positive behavior interventions and supports, a school mental health team, a student support services team, or another MTSS process that is currently operational in a school, in order to strengthen effective collaboration and address all of the components in TEC, §38.351, and coordinate with other related statutes for learning supports and school safety, while preventing duplication of effort;
- (5) ensure that the MTSS components in TEC, §38.351, and staff development related to school safety are addressed in needs assessments to help inform campus improvement plans and the district improvement plan and that SSSP goals and activities are integrated into campus and district planning;
- (6) ensure that SSSP team members employed by the school district or open-enrollment charter school have adequate duty time allocated to fully and effectively implement the functions required by the SSSP; and
- (7) execute multi-agency written agreements to access any multi-disciplinary expertise needed on SSSP teams and to provide services and supports needed in the MTSS comprehensive service delivery plan. If a professional in an expertise category is a non-district employee, a written agreement with the terms of the relationship must be established.

§103.1405. Safe and Supportive School Program Team Roles and Capacity for Executing Functions.

- (a) The following expertise categories must be represented on each safe and supportive school program (SSSP) team to ensure that the team is multi-disciplinary in accordance with Texas Education Code (TEC), §37.115:
 - (1) classroom instruction--a current school employee such as, but not limited to, a general education teacher; health education teacher; teacher leader or coach; coordinator or director responsible for curriculum and instruction; or coordinator or director responsible for wellness and mental and behavioral health;
 - (2) special education--an individual who must be a current school employee, an employee of a community organization, or a contracted service provider such as, but not limited to, a special education teacher, licensed specialist in school psychology (LSSP), diagnostician, special education counselor, behavior specialist, school health and related services professional, school social worker, or director of special education;
 - (3) school administration--a current school employee such as, but not limited to, a campus-based principal, an assistant principal, a campus behavior coordinator, or a district-level administrator;
 - (4) school counseling--a current school employee with a professional school counselor certification by the State Board for Educator Certification under Chapter 239, Subchapter A, of this title (relating to School Counselor Certificate);
 - (5) behavior management--an individual who must be a current school employee, an employee of a community organization, or a contracted service provider such as, but not limited to, a behavior specialist; a school social worker; an LSSP; a non-physician mental health professional; a trained teacher-behavior interventionist; a community organization youth development specialist; a social-emotional development specialist; a restorative discipline practices coordinator; a community organization behavioral health worker; a licensed chemical dependency counselor (LCDC); a recovery coach; a juvenile justice expert; or a community expert with research-based knowledge of effective behavior and school discipline practices, child and adolescent development, the needs of students with disabilities, or juvenile and education law;
 - (6) mental health and substance abuse--an individual who must be a current school employee, an employee of a community organization, or a contracted service provider that is a non-physician

mental health professional who is a licensed clinical social worker; a licensed marriage and family therapist; a licensed professional counselor (LPC); a licensed clinical psychologist; a master's level psychiatric/mental health nurse, preferably an advanced practice nurse; or a licensed master social worker or an LPC intern if the organization ensures an arrangement for clinical supervision will be provided as required by relevant state licensing boards. This expertise may be provided via telehealth. Based on the campus needs assessment, additional substance abuse experts may be included on the SSSP team such as an LCDC, a peer recovery specialist, or a substance abuse prevention professional;

- (7) school safety and security--an individual who may be a current school employee, an employee of a community organization, or a contracted service provider such as, but not limited to, a school district police officer; school resource officer; school safety officer; or community expert with relevant knowledge of school safety and security, which may include research-based knowledge of effective behavior and school discipline practices, child and adolescent development, the needs of students with disabilities, or juvenile and education law;
 - (8) emergency management--an individual who may be a current school employee, an employee of a community organization, or a contracted service provider such as, but not limited to, an expert managing the multi-hazard emergency operations plans for the school district or open-enrollment charter school or a community or county agency expert in emergency management. This role may be designated to serve in an as-needed consultative role for SSSP teams for many school districts or open-enrollment charter schools in a county and is not required to attend SSSP team meetings in schools. Any written agreements should be coordinated through the school district or open-enrollment charter school safety and security committee;
 - (9) law enforcement--an individual who must be a current school employee, an employee of a law enforcement agency, or a contracted service provider such as, but not limited to, a school resource officer, a school district or an open-enrollment charter school law enforcement officer, or any active or retired peace officer who meets the needs of the organization; and
 - (10) parent and family engagement--an individual who may be a current school employee, an employee of a community organization, or a contracted service provider such as, but not limited to, an adult with relevant knowledge of research-based parent and family involvement practices and adolescent development; a parent or family engagement specialist or liaison; a parent or family member volunteer such as a parent-teacher organization member; a paraprofessional who works with students with disabilities and their parents or caregivers; or a nurse or social worker who provides home visits, facilitates parenting classes, or provides other support to families.
- (b) A school district or open-enrollment charter school may:
- (1) identify and appoint experts to serve on multiple SSSP teams within the school district or open-enrollment charter school;
 - (2) appoint more than one representative to serve in each expertise category on each SSSP team; and
 - (3) appoint a single representative to serve in more than one expertise category on the team, while ensuring that the resulting SSSP team composition is multi-disciplinary.
- (c) Individuals with expertise accessed through written community partnership agreements and designated to SSSP teams are not required to be present in each school to conduct each behavioral threat assessment. However, subject matter experts must be accessible to each SSSP team for planning meetings, planning and reviewing the multi-tiered system of supports (MTSS) comprehensive service delivery plan, and consultation with district-employed SSSP team members who are conducting a behavioral threat assessment, as determined locally, through a communication method determined by the superintendent or designee.
- (d) The superintendent shall determine the role of the campus-based principal related to the SSSP team that serves the school for which the principal is responsible.

- (e) Each SSSP team member and any additional staff who may be assigned to deliver services for a behavioral threat assessment or services in the MTSS must have sufficient time and effort available regarding assigned duties to execute SSSP functions.
- (f) As a responsibility of individual planning, systems support, and responsive services under the Texas Model for Comprehensive School Counseling Programs under TEC, §33.005, a professional school counselor serving a school shall support the SSSP in a role that aligns with the duties of a professional school counselor on assigned campuses, including having time allocated to collaborate on planning and implementing interventions in the MTSS, attending training, and receiving technical assistance from the school's regional education service center (ESC) and the Texas Education Agency.
- (g) Members of the SSSP team, supported by any additional school-employed staff, community organization partner staff, and contracted service providers delivering prevention and intervention services and supports, shall be systemically organized to collaborate and cooperate on execution of the MTSS comprehensive service delivery plan developed under the leadership of and with oversight by the SSSP team for a campus.
- (h) The SSSP team shall collaborate with other existing teams, such as the campus advisory team, campus leadership team, open-enrollment charter school or school district leadership team, school safety and security committee, and school health advisory committee, as determined locally, to promote both student learning and a safe and supportive school.
- (i) The superintendent or designee shall assign one SSSP team member with facilitation responsibilities for each team. Facilitation may include team activities such as convening members when needed to conduct a behavioral threat assessment, assess needs, identify resources for prevention and intervention services and supports, review or develop the MTSS comprehensive service delivery plan, coordinate with community partners, review data and monitor the impact of interventions after a behavioral threat assessment, review records and ensure that staff are well trained, and plan execution of the six primary functions of the SSSP.
- (j) The SSSP team role includes:
 - (1) reviewing data such as best-practice research and state and local data sources, which may include survey data, school climate surveys, needs assessments, behavior and school discipline data, academic data, community data, behavioral threat assessment data, and local program goals and evaluation data required by any state-funded program, grant, or federal program administered by the school district or open-enrollment charter school;
 - (2) engaging with parents, guardians, and students to provide input; and
 - (3) engaging with professionals to help inform planning for the SSSP, including the MTSS comprehensive service delivery plan.
- (k) The SSSP team must analyze resources and work with administrators at the school district or open-enrollment charter school to streamline and efficiently align campus resources, services, and supports for prevention and intervention in the MTSS. The resources, services, and supports must meet student and campus needs for coordinated student support services, include research-based practices and best practice-based programs, and address the overarching goals of the SSSP.
- (l) The superintendent may contract with external entities for expert technical assistance and support for the development, implementation, training, and evaluation of the SSSP, such as technical assistance to implement an MTSS with a continuum of school mental health prevention and intervention services, conduct and analyze school climate surveys, provide mental health training for staff, or facilitate a data-driven program evaluation on the impact of the SSSP through a university, non-profit organization, ESC, or other partner. Behavioral threat assessment consultants must be on the registry of the Texas School Safety Center.

§103.1407. Requirements for the Six Primary Functions of the Safe and Supportive School Program.

- (a) Purpose. A safe and supportive school program (SSSP) has six primary functions, as described by subsections (b)-(g) of this section, with a goal of achieving both physical safety and psychological safety for all persons in the learning environment.
- (b) SSSP Function 1. Promoting a positive school climate.

- (1) Each school district or open-enrollment charter school shall select a school climate survey from a list provided by the Texas Education Agency (TEA) and annually implement the survey for school personnel, students, and parents.
- (2) The school climate survey shall be conducted by, or disaggregated by, each campus to inform annual planning for each school district, open-enrollment charter school, and campus.
- (3) Each school district or open-enrollment charter school should ensure the equitable distribution of school climate surveys, including posting notices and instructions and providing surveys in languages accessible for local families to participate to the extent practicable, engaging school- and community-based organizations to assist with the survey process, and ensuring ample time is provided for all students, families, and school personnel to complete surveys.
- (4) Climate survey results shall be reviewed by the SSSP team serving each school to help inform planning for the SSSP, including the behavioral threat assessment process, the multi-tiered system of supports (MTSS), and staff training.
- (5) As a component of ensuring a positive, safe, and supportive school climate, school districts and open-enrollment charter schools must inform students on the district or charter school expectations and strategies for the school community to prevent bullying and the procedure for students to safely report bullying. In accordance with TEC, §37.115, incidents of bullying must be reported and assessed for intervention through a behavioral threat assessment under subsection (d) of this section.

(c) SSSP Function 2. Establishing an MTSS.

- (1) An MTSS is a whole-school approach that promotes a safe and supportive school and promotes success for all students.
- (2) An MTSS should build on and be coordinated through any existing student support services program that provides for a continuum of mental and behavioral health services and supports.
- (3) An MTSS is informed by an annually-updated campus needs assessment that includes, but is not limited to, assessing and addressing data regarding staff development needs under the SSSP, best practice-based programs, and research-based practices and procedures for the topics and components listed under Texas Education Code (TEC), §38.351.
- (4) An MTSS is informed by a resource map of available resources that includes community and campus services and supports that are available to align, coordinate, and systemically connect through the MTSS for campus-wide prevention and intervention for a safe and supportive school.
- (5) An MTSS is guided by a comprehensive service delivery plan that addresses foundational staff training under subsection (e) of this section and, at a minimum, addresses universal prevention and tiered interventions for each topic under TEC, §38.351, with research-based practices and best practice-based programs that may include the recommended practices and programs by TEA and the Texas Health and Human Services Commission. Each school district and open-enrollment charter school must also develop practices and procedures, in accordance with TEC, §38.351(i), for each of the following topics:
 - (A) early mental health prevention and intervention;
 - (B) building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision making;
 - (C) substance abuse prevention and intervention;
 - (D) suicide prevention, intervention, and postvention;
 - (E) grief-informed and trauma-informed practices;
 - (F) positive school climates;
 - (G) positive behavior interventions and supports;

- (H) positive youth development; and
- (I) safe, supportive, and positive school climate.
- (6) School district and open-enrollment charter school practices and procedures for each topic listed under paragraph (5) of this subsection must be coordinated through the SSSP. The practices and procedures are required to include, minimally, the following in accordance with TEC, §37.115 and §38.351(i):
 - (A) a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
 - (B) a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
 - (C) the development of a reporting mechanism that may designate at least one person to act as a liaison officer for the purpose of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
 - (D) a description of available counseling alternatives for a parent or guardian to consider when their child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention;
 - (E) procedures to support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and
 - (F) procedures for suicide prevention, intervention, and postvention.
- (7) The practices and procedures for each topic under paragraph (5) of this subsection may address multiple areas together.
- (8) The procedures under paragraph (6) of this subsection must prohibit the use without the prior consent of a student's parent or guardian of a medical screening for a student under 18 years of age as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention in accordance with TEC, §38.351. Parent or guardian consent must be obtained before providing a mental health service in accordance with TEC, §37.115. However, the procedures shall not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency prior to parent or guardian notification or consent, including crisis counseling protocols for professional school counselors and non-physician mental health professionals employed by the school to prevent harm to self or others, such as suicide or law enforcement procedures in an emergency situation as permissible by law.
- (9) The MTSS practices and procedures must be included in the annual student handbook and the school district or open-enrollment charter school improvement plan under TEC, §11.252, and state that the district or charter school will coordinate the practices and procedures for the topics under paragraph (5) of this subsection with the SSSP.
- (10) The MTSS practices and procedures for providing prevention and tiered interventions and supports, including interventions for students referred as a result of a behavioral threat assessment, referred through a student support services process, or requested by parents or guardians, must be guided by the MTSS comprehensive service delivery plan for each campus that:
 - (A) plans for school-wide best practice-based programs and research-based practices for promoting school mental and behavioral health and safety through universal prevention and tiered interventions;
 - (B) engages in multi-agency collaboration with community service providers as part of a system of care, including considering resources identified by education service centers (ESCs) on a regional inventory of resources under TEC, §38.252, such as coordination with available Community Resource Coordination Groups (CRCGs), Local Mental

Health Authorities (LMHAs), the Texas Medical Assistance Program (Medicaid), youth development programs, prevention and early intervention programs, hospitals, clinics, other public and private organizations, and service providers;

- (C) implements systems of multi-disciplinary teaming and service coordination to develop and deliver prevention, intervention, and supports services;
 - (D) initiates written agreements for multi-agency collaboration with resources available in the community, such as with prevention programs for mental and behavioral health and emotional well-being, telehealth providers, and mental and behavioral health providers;
 - (E) includes culturally competent practices for integrating student, community, and family engagement into developing and implementing the MTSS comprehensive service delivery plan;
 - (F) includes school-wide integration of grief and trauma-informed care practices as adopted by the school district or open-enrollment charter school policies under TEC, §37.006;
 - (G) provides equitable access for teachers, parents and guardians, and students through transparent referral pathways for accessing available services and supports;
 - (H) uses research-based practices and best practice-based programs for prevention, intervention, services, and supports;
 - (I) uses data to evaluate the impact of the SSSP, prevention, intervention, services, and supports on students and the school climate, making appropriate adjustments based on data;
 - (J) includes a case management tool and process for tracking and monitoring intervention results for services and supports implemented as the result of a behavioral threat assessment;
 - (K) is informed by a quality self-assessment tool for effective planning and implementation of the MTSS under the SSSP that is approved by TEA; and
 - (L) is updated at the beginning of each school year, and when needed to add or adjust training, prevention, interventions, services, and supports, and adopted by the SSSP team in coordination with the campus administrator.
- (d) SSSP Function 3. Conducting behavioral threat assessments. The SSSP team shall conduct behavioral threat assessments on harmful, threatening, or violent behaviors, including assessing behaviors identified in TEC, §37.115;
- (e) SSSP Function 4. Ensuring staff is well trained. The following requirements for training apply. Other training requirements related to school safety that are not addressed in this subchapter shall also be coordinated with the SSSP, such as mandatory drills and bleeding control. SSSP teams or stakeholders may recommend additional training based on assessed needs for a well-trained staff and continuous quality improvement. The additional trainings may be provided or accessed as determined locally by the school district or open-enrollment charter school to ensure a safe and supportive school. This subchapter does not apply to specific training that may be required by individual professionals for licensing or certification or for other requirements.
- (1) Training in behavioral threat assessment pursuant to TEC, §37.115, must meet the following requirements.
 - (A) SSSP team members shall attend initial behavioral threat assessment training provided by an ESC or the Texas School Safety Center (TxSSC).
 - (B) SSSP team members may participate in any ongoing or supplemental behavioral threat assessment training that may be offered by an ESC or the TxSSC to support behavioral threat assessment as determined locally.
 - (2) The staff development for mental and behavioral health required under TEC, §21.451 and §37.006, must be aligned with staff mental and behavioral health resources and training required

under TEC, §38.351; the local practices and procedures specified in subsection (c)(6) of this section and the MTSS comprehensive service delivery plan; and paragraph (4) of this subsection. Training shall be provided to all staff who interact regularly with students, including teachers, administrators, school counselors, law enforcement officers, social workers, and other staff, and shall be in accordance with TEA-approved training lists for specific roles, such as educators and counselors, to ensure appropriate professional development for the role in a school. Additional personnel may be required to be trained by statute or as locally determined on identified topics as appropriate for their roles. Training shall be selected from the list of recommended best practice-based programs and research-based practices posted on the TEA website or, when appropriate, locally customized training that meets the content requirements identified in subparagraph (A) of this paragraph.

(A) The content requirements for mental and behavioral health training include:

- (i) suicide prevention, intervention, and postvention. The following topics must be addressed, and each superintendent shall ensure the training is locally supplemented with information so that all staff are aware of the suicide prevention policy, procedures, and practices for the school:
 - (I) recognizing students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;
 - (II) recognizing students displaying early warning signs and a possible need for early mental health or substance abuse intervention. Warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
 - (III) intervening effectively with students by providing notice and referral to a parent or guardian so that appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian;
 - (IV) assisting students in returning to school following mental health treatment or treatment for a suicide attempt; and
 - (V) understanding the process and procedures for reporting and acting on suicide risks according to the district or charter school suicide prevention policy, practices, and procedures, which include a parent or guardian notification procedure;
- (ii) recognizing signs of mental health conditions and substance abuse. This topic may be included with training on suicide prevention as described in clause (i) of this subparagraph or provided in a recommended program such as Youth Mental Health First Aid;
- (iii) strategies for establishing and maintaining positive relationships among students and between students and teachers, including conflict resolution;
- (iv) the effect of grief and trauma on mental health, student learning, and behavior, including information on the ways evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma, including information on vicarious trauma and self-care strategies for educators and staff; and
- (v) preventing, identifying, responding to, and reporting incidents of bullying. This topic may be included with training on conflict resolution and strategies for establishing and maintaining positive relationships as described in clause (iii) of this subparagraph.

- (B) Training on mental and behavioral health must be offered according to the following schedule. Training provided in the 2019-2020 school year counts for the first year of training in the cycle of basic full training required.

 - (i) New employees shall receive full training on the topics under subparagraph (A) of this paragraph annually as a part of new employee orientation.
 - (ii) Full training on the topics under subparagraph (A) of this paragraph and local procedures and practices shall be provided to all staff who regularly interact with students at least every three years using content selected from the recommended list of research-based practices and best practice-based programs provided on the TEA website and may include face-to-face, online, or blended learning methods. Full training means selecting staff development that reflects advancement in the field; is designed to support effective local procedures, practices, services, and supports on each of the topics; is appropriate training for staff roles receiving training; and is supplemented by providing awareness information of corresponding local policies, procedures, and practices with any local guidance on how the training contributes to a safe and supportive school.
 - (iii) An awareness-booster training shall be provided annually to refresh all staff who regularly interact with students and may include face-to-face, online, blended learning, or other communication methods, with materials provided to employees that include local policies, procedures, practices, services, and supports on the topics under subparagraph (A) of this paragraph along with any current guidance available to reinforce information related to implementation of each training topic. The awareness-booster training must be completed by the end of each school year and may be conducted during annual staff development prior to the start of each school year, in a series of regular staff meetings, or through other locally determined communication methods on a schedule determined by the school district or open-enrollment charter school.
- (3) Training related to trauma-informed care pursuant to TEC, §38.036, must meet the requirements specified in §103.1409 of this title (relating to Trauma-Informed Care Policy and Training).
- (4) Training must be completed in Psychological First Aid for Schools or an equivalent training chosen from a list approved by the TxSSC and commissioner of education.

 - (A) Two active SSSP team members are required to be trained on supporting the integration of psychological safety strategies into the school district's or open-enrollment charter school's multi-hazard emergency operations plan to help inform a school's planning and execution of psychological safety in the learning environment in a crisis situation.
 - (B) Training may be completed in person or online.
- (5) Other trainings identified by the commissioner related to the SSSP include the following. The trainings must be completed on a timeline and in a format determined by TEA and specified in SSSP guidance documents.

 - (A) MTSS for the SSSP. School-employed members of each SSSP team serving a school, including the campus administrator, must attend an initial MTSS for the SSSP training provided by TEA. Other professionals collaborating with the SSSP team to implement the MTSS for each school may also attend this training.
 - (B) SSSP orientation. SSSP team members serving a school must participate in an SSSP orientation.
- (6) Each SSSP team must report to TEA the number and percentage of school personnel trained under TEC, §37.115.
- (f) SSSP Function 5. Collecting data to continuously improve.

- (1) Each SSSP team must report data on the team's activities for elements identified in statute and other information requested by TEA on a timeline and in a format determined by TEA and specified in SSSP guidance documents.
 - (2) School districts, open-enrollment charter schools, and campuses shall protect personal and confidential information of students in accordance with the Family Educational Rights and Privacy Act.
 - (3) SSSP teams shall meet annually to review data related to the outcome and impact of the SSSP, including any disproportionality identified in the data, using research-based best practices in program evaluation and continuous quality improvement.
- (g) SSSP Function 6. Supporting facility and school safety and security.
- (1) SSSP teams shall support the school safety and security committee with planning and implementation of the multi-hazard emergency operations plan.
 - (2) SSSP teams shall collaborate with the school safety and security committee and others to support awareness training for school safety leaders, mental health professionals, educators, professional school counselors, and administrators on the strategies, procedures, and protocols for addressing both physical and psychological safety in a crisis situation, including suicide prevention, intervention, and postvention.
 - (3) SSSP teams shall support awareness training for staff and substitute teachers on the multi-hazard emergency operations plan. The training must address the provisions of the plan that ensure physical and psychological safety, including supporting the implementation of facility standards, participating in mandatory drills, and conducting audits.
 - (4) SSSP teams shall provide guidance and promote research-based best practices for students, parents, and school employees on strategies for preventing, identifying, reporting, and responding to incidents of bullying; building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision making; and trauma-informed care practices to build a safe and supportive school climate.
 - (5) SSSP teams will promote equitable practices and school connectedness for at-risk and vulnerable student populations such as those identified by the Elementary and Secondary Education Act, 20 United States Code §6301 et seq., and TEC, Chapter 29, Subchapter C; and provide encouragement for students and families to engage with services and supports available in the MTSS, such as positive youth development programs, initiatives to support parents and families, support groups and counseling, and other research-based initiatives to promote physical and psychological safety.

§103.1409. Trauma-Informed Care Policy and Training.

- (a) Trauma-informed care policy.
- (1) In accordance with Texas Education Code (TEC), §38.036, each school district and open-enrollment charter school shall develop and implement a trauma-informed care policy requiring the integration of trauma-informed practices in each school environment and include the policy in the district or charter school improvement plan.
 - (2) The trauma-informed care policy must require the school district or open-enrollment charter school to use resources identified or developed by TEA for:
 - (A) increasing staff and parent or guardian awareness of how grief and trauma affect mental health, student learning, and behavior and how evidence-based, grief informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and
 - (B) implementation of trauma-informed practices and care by district, charter school, and campus staff.
 - (3) The trauma-informed care policy must:

- (A) identify that a list of counseling options for students affected by mental health conditions, substance abuse, grief, or trauma shall be posted on the school district or open-enrollment charter school campus website, or the district website if campus websites are not provided, and require the list of counseling options to be easily accessible to parents and students who are seeking counseling support. The list shall include counseling options available at a campus, in the school district or open-enrollment charter school, and in the community. The list of available counseling options shall be updated at least annually as resources are identified;
 - (B) identify methods used by the school district or open-enrollment charter school for increasing parent or guardian awareness of:
 - (i) the effects of grief and trauma on mental health, student learning, and behavior;
 - (ii) the ways evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma;
 - (iii) how to access information on grief-informed and trauma-informed practices to consider using at home, such as handouts in the counselor's office, resources on the campus website, consultation with student services personnel, or parent awareness sessions; and
 - (iv) the available counseling options, which must be posted on the campus website;
 - (C) identify methods used by the school district or open-enrollment charter school for increasing staff awareness of:
 - (i) the effects of grief and trauma on mental health, student learning, and behavior;
 - (ii) the ways evidence-based, grief-informed, and trauma-informed strategies support the academic success of students affected by grief and trauma; and
 - (iii) the implementation of trauma-informed care by staff, including required training; and
 - (D) address how the school district or open-enrollment charter school is integrating trauma-informed care.
- (4) The trauma-informed care policy must specify that the school district or open-enrollment charter school requires trauma-informed care training for all staff using resources identified or developed by TEA.
- (b) Trauma-informed care training.
- (1) Trauma-informed care training must:
 - (A) be provided through a program or resources selected by the school district or open-enrollment charter school from a TEA-approved list of recommended best practice-based programs and research-based practices posted on the TEA website and must include a component on vicarious or secondary trauma and strategies for self-care for teachers and staff;
 - (B) be provided for all school district and open-enrollment charter school educators, which under the SSSP includes training components for teachers, principals, counselors, and all staff who regularly interact with students, through appropriate methods to provide grief-informed and trauma-informed care awareness for all staff who interact regularly with students and caregivers, including methods to increase awareness of local policies, procedures, and practices;
 - (C) use resources selected from a list of recommended best practice-based programs and research-based practices posted on the TEA website that includes options for the school district or open-enrollment charter school to provide required training and awareness for each staff person who interacts regularly with students and parents or guardians and awareness for parents or guardians;

- (D) be appropriate for the role of the staff member. Advanced training needs for school leaders, counselors, and mental health professionals who support educators should be considered to effectively build and lead a trauma-informed school; and
- (E) be offered according to the following schedule, with training provided during the 2019-2020 school year fulfilling the minimum training requirements for the first full year of training:
 - (i) annually as a part of new employee orientation;
 - (ii) minimally every three years, full training that is appropriate for the role of the staff member. Advanced training needs for school leaders, counselors, and mental health professionals who support educators should be considered; and
 - (iii) annually as an awareness-booster training through locally designed methods to refresh all staff who interact regularly with students to provide continued awareness about the school district's or open-enrollment charter school's trauma-informed care policy and the required integration of trauma-informed care practices. The awareness-booster training must include guidance materials relating to procedures, updates to policies and current best practices, and strategies that integrate the trauma-informed care best practices training into the school environment. The training may be provided in a series of staff meetings throughout the year as determined by the school district or open-enrollment charter school or by another locally developed method. The training must include a component on vicarious or secondary trauma and strategies for self-care for teachers and staff.
- (2) Each school district and open-enrollment charter school shall record the name of each staff member who participates in the full training and awareness-booster training.
- (3) Each school district and open-enrollment charter school shall report annually to TEA, in a timeline and format requested by TEA, the following information for the district or charter school as a whole and for each school campus:
 - (A) the number of teachers, principals, and counselors who have completed training under this section; and
 - (B) the number of teachers, principals, and counselors employed by the district.
- (4) If the school district or open-enrollment charter school determines that it does not have sufficient resources to provide the trauma-informed care training, it may meet the training requirements by partnering with an ESC or community mental health organization to provide training from the TEA-approved list to the district or charter school.