



Student Mental Health Legislative Trends

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Trends in Student Mental Health Legislation



- Mental Health Professional Staffing Ratios
- School Telehealth Services
- Mental Health-Related Absences
- Staff Training & Professional Development
- Suicide Prevention Programs & Services
- Mental Health Screening in Schools
- Mental Health & Wellness Curricula



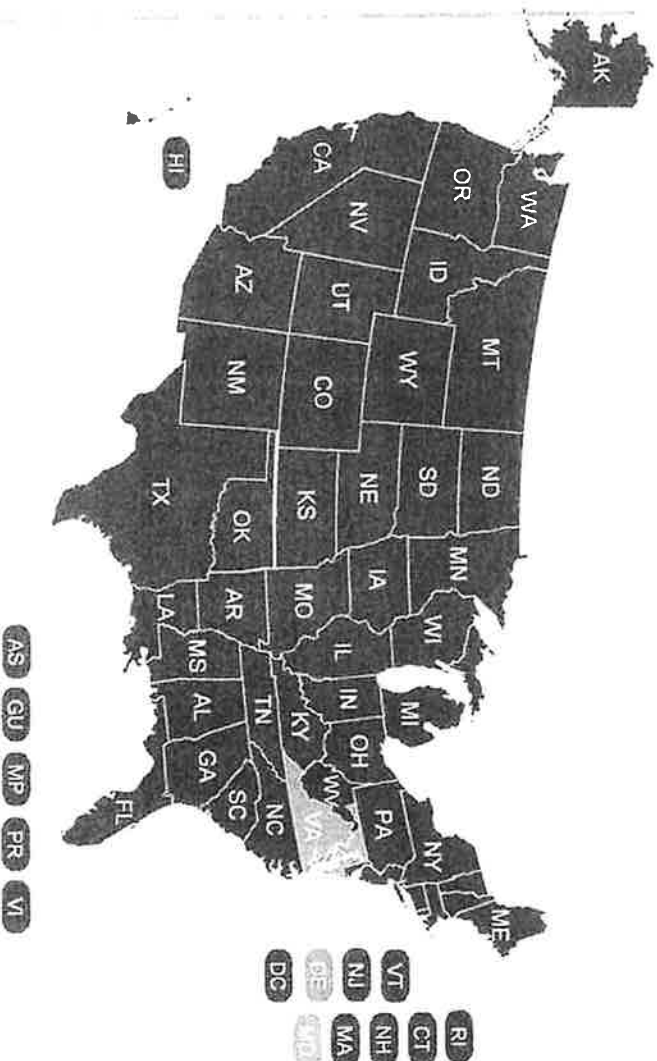
NCSL
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(Enacted 2020)

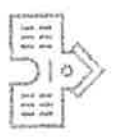
Delaware H.B.
100 & H.B. 300
(Enacted 2021/ 2022)

(Enacted 2019)

Requires K-8 Schools to
Reach 1:250 School
Counselor Ratios and
1:700 School Psychologist
Ratios



Telehealth Services for Students



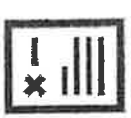
Georgia H.B. 307
(Enacted 2021)

Expands the definition of originating site - to, among other places, school.



Maryland H.B. 34
(Enacted 2021)

Authorizes a health care practitioner at a school-based health center to provide services through telehealth.



Florida H.B. 5101
(Enacted 2023)

Requires each school district to implement a mental health program that includes, among other provisions, contracts or agreements with community behavioral health providers to provide services at schools, including via telehealth.



Massachusetts H.B. 4002
(Enacted 2021)

Funding to create a telebehavioral health pilot program for schools.

Mental Health-Related Absenteeism

Nevada S.B. 249 (Enacted 2021)

States a Qualified Mental/ Behavioral Health Professional's Note Can Excuse a Student Aged 7-18.

Kentucky H.B. 44 (Enacted 2022)

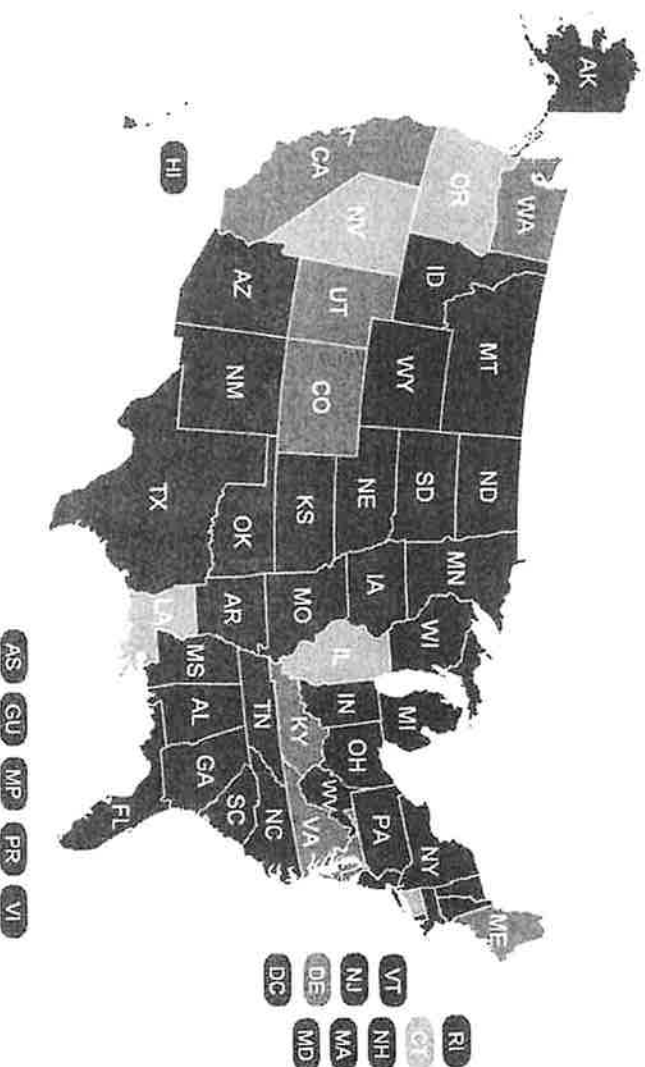
Requires School District's Attendance Policy to Include SMH or Behavioral Health Provisions

Illinois S.B. 1577 (Enacted 2021)

Allows up to 5 Mental Health Days/year, but Parent Must Call and State Mental Health as the Reason for Absence.

Delaware H.B. 3 (Enacted 2023)

Includes Mental and Behavioral Health Needs as Excusable Absences



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Staff Training & Professional Development

Indiana S.B. 205 (Enacted 2021)

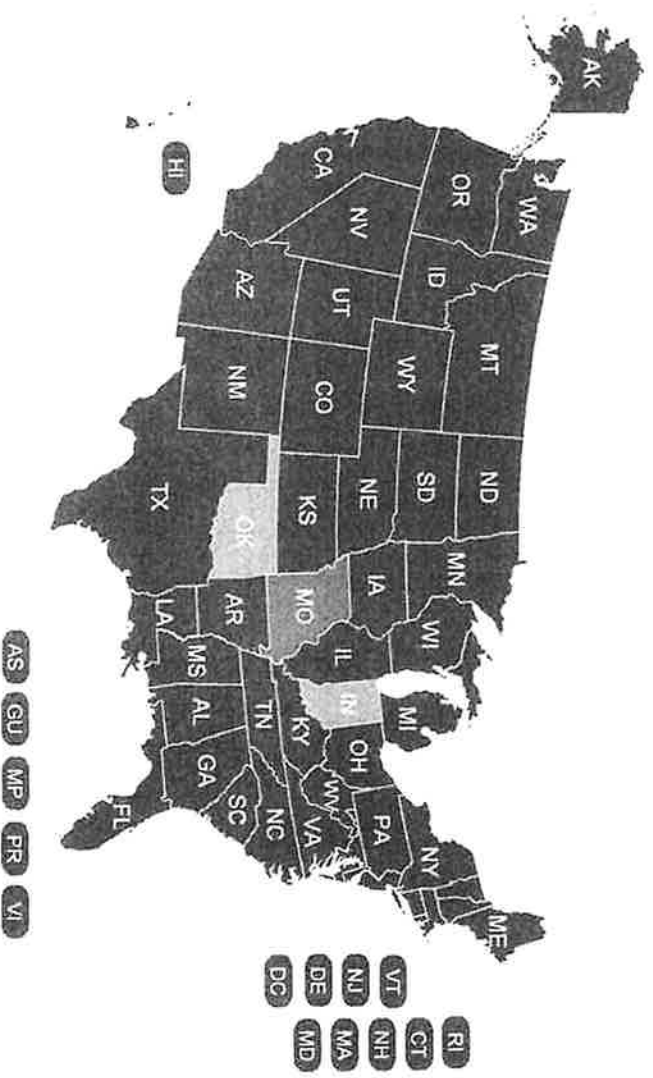
Teachers Must Provide Evidence of Completion of Trauma-Informed Instruction

Oklahoma H.B. 1905 (Enacted 2019)

Requires Teacher Candidates to Study Trauma-Informed Responsive Instruction

Missouri H.B. 2136 (Pending 2022)

Aims to Better Train Teachers and Schools to Prevent Youth Suicide & Help Students with Mental Illnesses





Suicide Prevention & Awareness Training for Schools

Louisiana H.B. 353
(Enacted 2023)

Allows up to 3 mental health absences/school year, provides required instruction on mental health, provides programs on suicide prevention and substance abuse prevention, requires the state Department of Education to develop and administer a pilot program for implementing certain screenings, requires the registration of school health centers with the office of public health.

Washington H.B. 1134
(Enacted 2023)

Requires development and dissemination of informational materials and a social media campaign relating to the 988-crisis hotline, including appropriate information for students at K-12 schools.

Suicide Prevention Programs & Services

California A.B. 1767

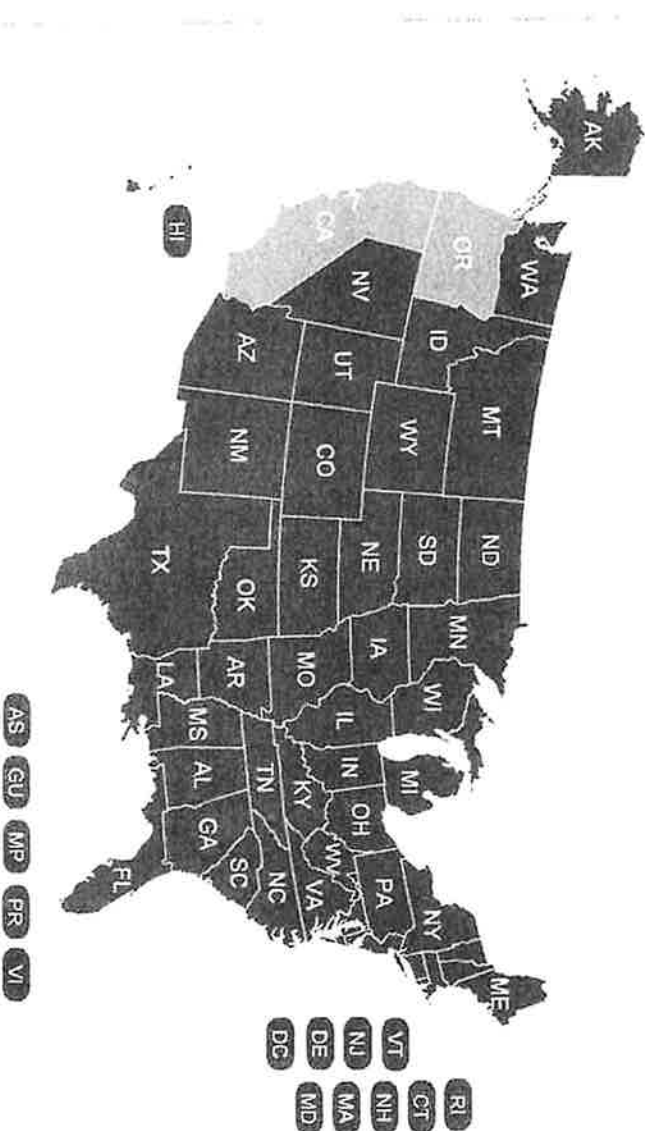
(Enacted 2019)

Requires Adoption of
Suicide Prevention
Plans for Grades 1-6

Oregon S.B. 52

(Enacted 2019)

Requires Districts to
Develop a Comprehensive
Plan on Suicide Prevention,
Intervention, and Healing



Mental Health Screening & Services

Utah H.B. 323 (Enacted 2020)

Allows for the Implementation of Evidence-Based Mental Health Screening Program

Iowa S.B. 2261 (Enacted 2020)

Provides Telehealth Behavioral Health Services on School Grounds

Washington S.B. 5030 (Enacted 2021)

Requires the Development of Comprehensive School Counseling Program

Georgia H.B. 1005 (Failed 2022)

Requires Local School Systems to Conduct Suicide Screenings on Students Aged 8-18



Mental Health & Wellness Curricula

Maine S.P. 303 (Enacted 2019)

Requires K-12 Health Education Instruction to Include Mental Health Topics

South Carolina

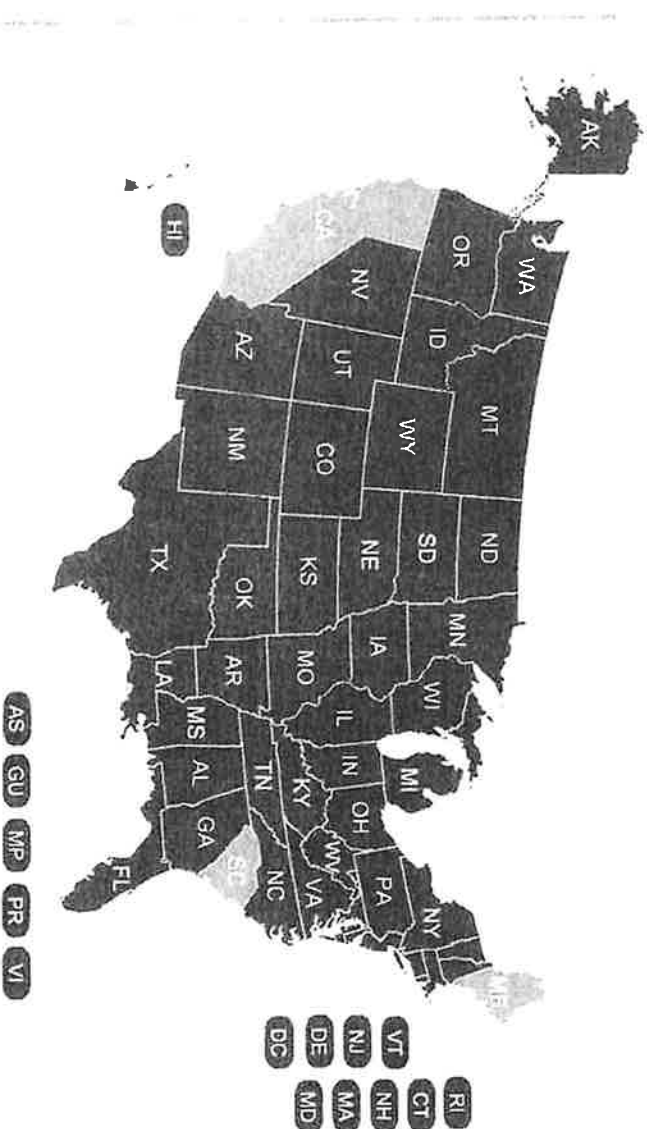
H.B. 3257

(Enacted 2020)

Revises Existing Health Standards to Address Mental, Emotional, and Social Health

California S.B. 224 (Enacted 2021)

Requires Mandatory Mental Health Education for K-12



Workgroups, Pilot Programs, & Commissions

Hawaii S.R. 45
(Enacted 2021)

Convenes a Working Group to Create a Statewide School Policy around Suicide

New Jersey A.B. 660
(Failed 2022)

Establishes a Pilot Program to create SMH Assistance Programs in Selected School Districts

New Hampshire H.B. 131
(Enacted 2019)

Develops a Commission to Develop and Promote Mental/Behavioral Health Wellness Programs

New Jersey A.B. 3331
(Failed 2022)

Establishes a Student Mental Health Task Force



Student Mental Health Emerges as Focus of Education Bills in 2022

By Autumn Rivera | February 3, 2023

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Many aspects of a child's day, including mental wellness, impact the ability to learn. Unfortunately, K-12 students continue to report elevated levels of stress, depression and anxiety. The COVID-19 pandemic exacerbated these diagnoses and brought more attention to student wellness. As a result, there was a steady stream of legislation addressing student mental health and wellness in 2022.

Supporting a Positive School Climate

Positive school climates create space for learning, academic achievement and student growth by fostering relationship-centered learning environments. To create positive school climates, many states have enacted multifaceted legislation that often includes aspects of student mental health. For example, to measure the supportiveness of K-12 learning environments, Colorado enacted legislation in 2022 requiring its education department to compile data on chronic absenteeism rates, in-school and out-of-school suspensions, and the number of school-related arrests. The department also must create easily accessible school district profiles related to school climate, including surveys.

Mental Health and Wellness Curricula

One of the trends NCSL has tracked involves states connecting physical and mental health through curricula. Some states require curricula to include mental health and relationship topics; others require the education department to incorporate mental health into state standards. A 2017 survey of Delaware high school students revealed the number of students who said they felt sad or hopeless, had seriously considered suicide, had planned how they would attempt suicide, or had attempted suicide. As a result, Delaware now requires its education department to establish and implement statewide student mental health education programs for K-12 students. The act also requires the department to report annually on implementation to the governor and General Assembly.

Suicide Prevention Programs and Services

As suicide continues to be a leading cause of death for youth, many states have turned to policies aimed at promoting awareness, providing intervention plans and support services, requiring professional development, and more. Many states have required student identification cards in secondary schools to include the 988 Suicide and Crisis Lifeline number. Connecticut, New Hampshire, Oklahoma and Tennessee enacted such legislation in 2022. States also allocated funding to suicide prevention and awareness efforts. Michigan provided funds to local education agencies to encourage suicide prevention education and counseling.

Absenteeism Related to Mental Health

A newer trend has been the addition of mental health to the list of valid reasons to be absent from school. Some states require a mental health professional to provide the excuse for a student, while others require guardians to explicitly state that a student is using this excuse. Kentucky requires school district attendance policies to allow absences for mental health reasons. While the law does not add extra days for absence, it makes it explicit that mental health is health.

Work Groups, Pilot Programs and Commissions

Policymakers may convene working groups to create statewide policy around suicide, mental health and discipline, or to study student behavior. An adopted resolution in Louisiana created the Student Behavior, Mental Health and Discipline Task Force to study improving certain policies and data relative to student behavior and discipline. The group's scope of study includes trauma-informed services for K-12 students, the feasibility of certain school psychologist and social worker ratios, and various aspects of student discipline, including corporal punishment and zero tolerance practices.

Professional Development

To help create safe learning environments where all students can learn, policymakers are investing in adult capacity. One strategy has been to incorporate professional development into inclusive practices for student mental health. Pennsylvania enacted legislation to provide grants to local education agencies for suicide awareness and prevention curricula; training to help school employees and students identify signs of anxiety, depression, suicide or self-harm; and best practices for seeking mental health assistance.

Staffing Ratios for Mental Health Professionals

The National Association of School Psychologists recommends providing one psychologist for every 500 students, and the American School Counselor Association recommends one counselor for every 250 students. As states consider policies around staffing ratios, many are requiring a predetermined proportion of providers to students, with the highest concentration usually at the high school level. Most of the legislation also requires reports outlining ratios, retention practices and more. Maryland enacted legislation in 2019 requiring local school systems to report their ratio of students to school psychologists, as well as strategies to reach or maintain their ratios. This type of legislation has continued in the states in recent years. In 2022, Delaware expanded legislation from 2021 to include \$8 million for statewide mental health services. HB 300 calls for more mental health care professionals in middle schools to decrease the ratio of students to school therapists, psychologists and counselors. HB 301 calls for statewide implementation of educational mental health programs in each grade level, kindergarten through high school.

Autumn Rivera is a policy specialist in NCSL's Education Program.

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To Address Student Well-Being, States Increase Access to Mental Health in Schools

Recent state legislation focuses on the ratios of school psychologists and counselors to students.

By Autumn Rivera | May 24, 2023

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According to the World Health Organization, half of all mental illnesses begin by the age of 14, making early intervention and support critical.

Many students periodically face challenges around social relationships, learning, difficult decisions or managing anxiety, depression, worry or isolation. School counselors and school psychologists provide services that support students and encourage healthy development. The difference is in their approach.

School counselors deliver fundamental services to a broad range of students, whereas school psychologists provide comprehensive mental health care services. School psychologists may help students and parents understand and resolve both long-term and short-term problems.

Much of the recent legislation focusing on school psychologists and counselors addresses ratios of students to mental health professionals.

Counselors tend to offer a more generalized service, while psychologists are more specialized. School counselors can also be helpful in supporting kids' social and emotional needs while preparing them for the future, whereas psychologists directly serve students, groups of students, families and administrators to ensure students' academic, social-emotional and mental needs are met.

NCSL leads a bipartisan Whole Child Policy Advisory Group of legislators and staff who examine state education systems and policies offer guidance on how to foster safe, healthy learning environments where all students can thrive and achieve academic success.

Kelly Vaillancourt Strobach, the director of policy and advocacy for the National Association of School Psychologists, told the group that mental health specialists are concerned about state strategies to alleviate hiring shortages. She cautioned against lowering standards and instead encouraged easing barriers to help make meeting standards more attainable. She suggested looking at various program types, such as online and hybrid programs, that can make graduate school more flexible and attainable. She also recommended states support ongoing efforts to make sure youth have access to what they need in a sustainable way.

State Actions

Much of the recent legislation focusing on school psychologists and counselors addresses ratios of students to mental health professionals. Strobach's organization recommends providing one psychologist for every 500 students; the American School Counselor Association recommends one counselor for every 250 students.

In 2021, Delaware passed legislation implementing a three-year phased approach to reach a ratio of one full-time school counselor or school social worker for every 250 students and one full-time school psychologist or licensed mental health therapist for every 700 students in kindergarten through grade five. In 2022, enacted legislation extended the ratios to grades six through eight. Pending legislation would require the state to fund mental health professional and mental health coordinator positions for each district and charter school by the 2024-25 school year.

Since 2019, Utah has continued to add funding to school budgets to help pay for mental health experts. The funding initially focused on the state's high rate of teen suicides but has since expanded to help evaluate and assist students dealing with potentially violent tendencies as well. Utah House bills 373, 32 and 323, all enacted since 2020, have helped provide new counselors, mental health screenings for K-12 students and financial assistance for students who seek counseling.

Additionally, in 2023, Utah passed a resolution recognizing the contributions and critical role of school nurses, psychologists, social workers and counselors in Utah schools. The resolution acknowledges that state mental health staffing ratios are below the national recommendations and calls for the Legislature and governor to commit to funding higher staffing ratios, training and retention measures.

Illinois, Missouri and Minnesota also focused on school mental health professionals in bills introduced in 2023.

- Illinois adopted a resolution that urges its state board of education to expand access to mental health care for students. The legislation also urges the state board to recruit people into the school mental health profession and provide enough access to students to offer one hour of mental health counseling per semester.
- Pending legislation in Missouri would provide a state supplement for public schools to hire a school nurse and a mental health professional.
- In Minnesota, pending legislation would require mental health screening for students and provide revenue to school districts and charter schools to hire student mental health support staff.

For more, see this State Legislatures News article on student mental health trends in 2022.

Autumn Rivera is a policy specialist in NCSL's Education Program.