



BEHAVIORAL HEALTH AND SCHOOL SAFETY LEGISLATION, 2013 AND 2014

By: James Orlando, Associate Attorney

QUESTION

What legislation was enacted this year and last year concerning behavioral health and school safety?

SUMMARY

The legislature passed several bills during the 2013 and 2014 sessions affecting behavioral health and school safety. Below we briefly summarize relevant provisions of several such acts. Please note that budgetary or bonding provisions are not included. Also, for behavioral health, there were many acts that at least indirectly affect behavioral health issues. The report is not exhaustive, and focuses on provisions most affecting access to services.

The discussion of behavioral health is divided into two sections, one on child- or school-specific provisions and the other on more general provisions. The discussion of school safety is divided into sections on K-12 and higher education. Within each section, the topics are arranged alphabetically.

Complete summaries of 2013 Public Acts are available on OLR's [webpage](#). Complete summaries of 2014 acts are or will soon be available.

BEHAVIORAL HEALTH (SPECIFIC TO CHILDREN OR SCHOOLS)

Community Schools

[PA 13-64](#) allows boards of education to establish community schools to participate with community partners (including those offering mental health treatment and services) in providing various educational and social services. The law spells out the steps a board must complete in order to establish a community school.

A "community school" is a public school that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, health, and wrap-around services to students, families, and community members.

EFFECTIVE DATE: July 1, 2013

Comprehensive Plan for Children's Services

[PA 13-178](#) requires the Department of Children and Families (DCF) and the Office of Early Childhood (OEC), in consultation and collaboration with various individuals and agencies, to take several steps to address Connecticut children's mental, emotional, and behavioral health needs. For example, it requires DCF to develop a comprehensive plan to (1) meet these needs and (2) prevent or reduce the long-term negative impact of mental, emotional, and behavioral health issues on children.

EFFECTIVE DATE: July 1, 2013, except for the OEC provisions, which took effect October 1, 2013.

Mental Health First Aid Training

[PA 13-3 \(§§ 64-65 & 90\)](#) requires the State Board of Education (SBE), within available appropriations and using available material, to help and encourage school boards to include mental health first aid training as part of their in-service training programs for certified teachers, administrators, and other pupil personnel.

Among other things, the act also requires the Department of Mental Health and Addiction Services (DMHAS) commissioner, in consultation with the education commissioner, to administer a mental health first aid training program. DMHAS must provide training for district safe school climate coordinators. Other participants may include teachers, school nurses, counselors, and other school employees at the discretion of each board of education.

EFFECTIVE DATE: Upon passage

Public Information and Education Campaign on Children’s Behavioral Health

[PA 13-178 \(§ 6\)](#) requires the OEC to collaborate with the Department of Education (SDE) and other departments, to the extent that private funding is available, to design and implement a public information and education campaign on children’s mental, emotional, and behavioral health issues.

EFFECTIVE DATE: October 1, 2013

Regional Behavioral Health Consultation System for Pediatricians

[PA 13-3 \(§ 69\)](#) requires the DCF commissioner, by January 1, 2014, to establish and implement a regional behavioral health consultation and care coordination program for primary care providers who serve children. The program must provide them with:

1. timely access to a consultation team that includes a child psychiatrist, social worker, and care coordinator;
2. patient care coordination and transitional services for behavioral health care; and
3. training and education on patient access to behavioral health services.

EFFECTIVE DATE: Upon passage

School-Based Health Centers (SBHCs)

Among other things, [PA 13-247 \(§ 193\)](#) specifically allows all SBHCs to provide behavioral health services.

EFFECTIVE DATE: July 1, 2013

School Board Collaboration with Mental Health Care Providers

[PA 13-178 \(§ 1\)](#) requires emergency mobile psychiatric service providers to collaborate with community-based mental health care agencies, SBHCs, and the contracting authority for each local or regional board of education in the state to, at a minimum, (1) improve coordination and communication in order to promptly identify and refer children with mental, emotional, or behavioral health issues to the appropriate treatment program and (2) plan for any appropriate follow-up with the child and family. This may be done through memoranda of understanding, policy and protocols regarding referrals and outreach, liaison between the respective entities, or other methods.

EFFECTIVE DATE: July 1, 2013

School Resource Officer (SRO) Training

[PA 13-178 \(§ 1\)](#) requires local law enforcement agencies and local and regional school boards that employ or engage SROs, provided federal funds are available, to train SROs in nationally recognized best practices to prevent students with mental health issues from being victimized or disproportionately referred to the juvenile justice system because of their mental health issues.

EFFECTIVE DATE: July 1, 2013

Statewide Sexual Abuse and Assault Awareness Program

[PA 14-196](#) requires, by July 1, 2015, DCF, together with SDE and Connecticut Sexual Assault Crisis Services, Inc., or a similar organization, to identify or develop a statewide sexual abuse and assault awareness and prevention program for use by regional and local school boards. The school boards must implement the program by October 1, 2015.

EFFECTIVE DATE: July 1, 2014

BEHAVIORAL HEALTH (GENERAL)

Advanced Practice Registered Nurse (APRN) Independent Practice

[PA 14-12](#), as amended by [PA 14-231](#), allows APRNs to practice independently if they have been licensed and practicing in collaboration with a physician for at least three years and 2,000 hours. This may increase access to mental health services offered by APRNs.

Under prior law, APRNs had to work in collaboration with a physician, and had to have a written collaborative agreement regarding their prescriptive authority.

EFFECTIVE DATE: July 1, 2014

Adverse Determinations and Mental Health Insurance Coverage

[PA 13-3 \(§§ 70-79\)](#) makes various changes to the process for grieving adverse determinations (e.g., claim denials) by health insurers. Among other things, it reduces the time health insurers have to (1) make initial determinations on requests for treatments for certain mental or substance use disorders and (2) review claim denials and other adverse determinations of such requests.

EFFECTIVE DATE: Most provisions effective October 1, 2013

[PA 14-40](#) makes certain changes affecting these provisions. For example, it (1) eliminates the requirement that health carriers (insurers) contract with “clinical peers” to conduct utilization reviews and (2) changes the qualifications for psychologists acting as clinical peers to evaluate certain adverse determinations concerning substance use or mental disorders.

EFFECTIVE DATE: Upon passage

Assertive Community Treatment (ACT)

[PA 13-3 \(§ 67\)](#) requires the DMHAS commissioner to implement an ACT program in three cities that, on June 30, 2013, did not have such a program. The program must use a person-centered, recovery-based approach that provides people diagnosed with a severe and persistent mental illness with specified services in community settings.

EFFECTIVE DATE: July 1, 2013

Information and Referral Service

[PA 14-115](#) requires the Office of the Healthcare Advocate, by January 1, 2015, to establish an information and referral service to help residents and providers get information, timely referrals, and access to behavioral health care providers.

The act requires the office, by February 1, 2016, and annually thereafter, to report to the Children's, Human Services, Insurance, and Public Health committees. The report must identify gaps in services and the resources needed to improve behavioral health care options for state residents.

EFFECTIVE DATE: July 1, 2014

Medicaid State Plan Provider Expansion

[PA 14-217 \(§ 220\)](#) requires the social services commissioner, by October 1, 2014, to amend the Medicaid state plan to include services provided to Medicaid recipients age 21 or older by the following licensed behavioral health clinicians: (1) psychologists, (2) clinical social workers, (3) alcohol and drug counselors, (4) professional counselors, and (5) marriage and family therapists. Among other things, the act requires the commissioner to provide direct reimbursement to clinicians who are enrolled as Medicaid providers and treat Medicaid recipients in independent practice settings.

EFFECTIVE DATE: July 1, 2014

Multi-Care Institutions

[PA 14-211](#) allows a multi-care institution to provide behavioral health services or substance use disorder treatment services on the premises of more than one facility, at a satellite unit, or at another location outside of its facilities or satellite units that is acceptable to the patient and consistent with his or her treatment plan.

EFFECTIVE DATE: October 1, 2014

SCHOOL SECURITY (K-12)

Armed Security in Public Schools

[PA 13-188](#) requires all armed school security to be active or retired police officers. It also requires annual training for retired officers who provide armed security.

EFFECTIVE DATE: Upon passage

[PA 14-212 \(§ 19\)](#) and [PA 14-217 \(§ 254\)](#) allow a municipality or board of education to hire or contract with two additional categories of retired police officers to provide armed school security services.

EFFECTIVE DATE: July 1, 2014

Safe School Climate Committees, Reports, and Plans

[PA 13-3 \(§§ 88 & 89\)](#) expands the duties of the safe school climate committees to include collection, evaluation, and reporting of information about disturbing or threatening student behavior as provided in the school's security and safety plan. Parents or guardians who serve on the committees must not participate in this new duty, since it may compromise student confidentiality. By law, safe school climate committees are responsible for developing and fostering a safe school climate and addressing bullying and related issues.

The act also increases the frequency and the recipients of the SDE report that analyzes public school districts' bullying prevention efforts.

EFFECTIVE DATE: Upon passage

[PA 14-232](#) requires SDE to approve or reject a local or regional board of education's safe school climate plan (each board's anti-bullying policy) within 30 days after receiving it and, in the event it is rejected, requires the board to revise and resubmit the plan for approval. The act specifies other related steps that SDE and the local or regional board must take whether the plan is approved or rejected. Only boards that have not previously had plans approved must submit them.

Prior law required boards of education to use surveys to collect information on bullying prevention and intervention in schools as part of their school climate assessment. This act also specifies that districts must (1) use a survey that contains uniform grade-level appropriate questions to collect student perspectives and opinions about their school climate and (2) allow students to anonymously complete and submit the assessments and surveys.

EFFECTIVE DATE: Upon passage

School Building Projects and Infrastructure

[PA 13-3 \(§§ 80-85\)](#) makes several security-related changes concerning school building projects and infrastructure.

The act (as amended by [PA 13-122](#)) establishes a competitive grant program to improve security infrastructure in schools. It creates the School Safety

Infrastructure Council (SSIC) that must develop school safety infrastructure standards for (1) the existing school construction projects program and (2) the new grant program. The new standards must be submitted annually to the Department of Emergency Services and Public Protection (DESPP), the education commissioner, the School Building Projects Advisory Council, and the Public Safety and Education committees.

Beginning July 1, 2014, the act requires the Department of Construction Services (DCS) to review each local school construction grant application for compliance with school safety infrastructure standards developed by the SSIC. DCS may disapprove any application that does not comply with the standards.

The act also requires the School Building Projects Advisory Council to develop model blueprints for new school building projects that comply with industry standards for school buildings and the new safety infrastructure standards to be developed by SSIC.

EFFECTIVE DATE: Most provisions effective upon passage; others July 1, 2013

[PA 14-90](#) and [PA 14-98](#) make certain changes affecting these provisions. For example, [PA 14-90](#) authorizes the DAS commissioner to (1) under certain conditions, waive the requirement that a school construction project meet the school safety infrastructure standards and (2) require towns and regional boards of education to perform security assessments on proposed school construction projects. It also adds a member to the SSIC. Among other things, [PA 14-98](#) expands eligibility for the school security infrastructure grant program.

EFFECTIVE DATE: Most provisions effective upon passage or July 1, 2014

School Safety and Security Standards, Plans, and Committees

[PA 13-3 \(§§ 86-87\)](#) requires DESPP to develop school security and safety plan standards by January 1, 2014, in consultation with SDE. The standards must follow an all-hazards approach to public school emergencies, and DESPP must make them available to local officials, including local and regional boards of education. DESPP must annually report its standards and recommendations for legislation to the Education and Public Safety and Security committees.

The act requires boards of education, beginning in the 2014-15 school year, to (1) develop a school security and safety plan for each school in the district, based upon DESPP standards; (2) develop, review, update, and submit such plans to DESPP; and (3) establish a school security and safety committee at each school.

Parents or guardians who serve on these committees must not have access to information about disturbing or threatening student behavior reported to the committee.

EFFECTIVE DATE: Upon passage

School Security Consultants Registry

[PA 13-3 \(§ 91\)](#) requires DESPP to establish and maintain a registry of school security consultants doing business in Connecticut. DESPP must update the registry annually, publish it online, and furnish it to the public upon request.

EFFECTIVE DATE: Upon passage

Student Safety Hotline Feasibility Study

[PA 14-232](#) requires DESPP to study the feasibility of establishing a hotline for anonymous student phone calls and text messages about safety concerns. DESPP must submit the results to the Education Committee by January 1, 2015.

EFFECTIVE DATE: Upon passage

Sudden Cardiac Arrest Awareness and Concussion Prevention

In 2014, the legislature passed two laws aimed at increasing awareness and prevention of injuries and illnesses among student athletes. The laws deal with concussions and sudden cardiac arrest. Both laws require parents or guardians to give their written consent before schools can allow the student to take part in an athletic activity.

[PA 14-66](#) requires coaches or other qualified school employees to notify a parent or guardian when a student is removed from play for a concussion or suspected concussion. It also requires SBE to develop a concussion education plan that athletes and their parents must complete before the athlete can participate in school sports.

[PA 14-93](#) requires SBE to develop a sudden cardiac arrest awareness program and, starting with the July 1, 2015 school year, coaches to annually review the program before beginning their coaching assignments.

EFFECTIVE DATE: PA 14-66 is effective July 1, 2014; PA 14-93 is effective October 1, 2014

Swimming Pool Safety

Beginning with the 2013-2014 school year, any school board–approved pool used for physical education classes or interscholastic or extracurricular activities must follow new safety standards. [PA 13-161](#) requires a qualified person to be present to monitor the pool for distressed swimmers and help them if necessary. This person must be in addition to the one conducting the activity. However, starting July 1, 2014, for extracurricular activities only a qualified monitor is required.

By July 1, 2014, the act requires all school boards offering student aquatic activities at a school pool to adopt a pool safety plan ensuring compliance with the act.

EFFECTIVE DATE: July 1, 2013

SCHOOL SECURITY (HIGHER EDUCATION)

Armed Security Personnel

[PA 13-3 \(§ 95\)](#) requires all armed campus security personnel and armed special police force members of any Connecticut public college or university to be certified by the Police Officer Standards and Training Council.

EFFECTIVE DATE: Upon passage

Campus Safety and Security Audits

[PA 13-3 \(§ 96\)](#) requires DESPP, by December 1, 2014, to perform or require an audit of the following campuses to determine their safety and security characteristics: UConn and all its campuses, all Connecticut State University System (CSUS) institutions, all regional community-technical colleges, and all Connecticut independent higher education institutions. DESPP must conduct audits in cooperation with the Board of Regents for Higher Education (BOR) or the UConn Board of Trustees when examining their respective campuses.

The act also requires DESPP to base any recommendations for campus security upgrades on the audit’s findings and align them with the campus’s security protocol plan. DESPP must report all audit results to the Higher Education and Employment Advancement Committee by January 1, 2015.

EFFECTIVE DATE: Upon passage

Campus Security Protocol Plans and Threat Assessment Teams

[PA 13-3 \(§ 92\)](#) requires UConn and all its campuses, all CSUS institutions, all regional community-technical colleges, and all Connecticut independent higher education institutions to (1) give an updated security protocol plan to DESPP by

October 1, 2013, (2) review such plan every two years and submit revisions to DESPP by August 1 of those years, and (3) establish trained threat assessment teams on each campus by January 1, 2014.

EFFECTIVE DATE: Upon passage

Coordinated Security Plan

[PA 13-3 \(§ 94\)](#) requires BOR to develop a coordinated security plan for CSUS and the regional community-technical college system and report on the plan to the Higher Education and Employment Advancement Committee by January 1, 2014.

EFFECTIVE DATE: Upon passage

Sexual Assault and Violence on Campus

Existing law requires public and independent higher education institutions to adopt and disclose one or more policies on sexual assault and intimate partner violence. Institutions must also offer sexual assault and intimate partner violence primary prevention and awareness programming and campaigns.

[PA 14-11](#) expands the scope of these policies and programs by requiring (1) for-profit institutions licensed to operate in Connecticut to comply with them and (2) the policies and programs to address (a) stalking and (b) conduct aimed at the institutions' employees. It also requires all institutions (public, independent, and for-profit), after a reported incident, to immediately provide concise written notification to each victim regarding his or her rights and options under the institution's policy or policies.

The act also requires all higher education institutions to:

1. report annually concerning their policies, prevention and awareness programming, and campaigns, and the number of incidents and disciplinary cases involving sexual assault, stalking, and intimate partner violence;
2. establish a campus resource team to review their policies and recommend protocols for providing support and services to students and employees who report being victims; and
3. enter into a memorandum of understanding with at least one community-based sexual assault crisis service center and one community-based domestic violence agency.

EFFECTIVE DATE: July 1, 2014

Special Police Force Study

[PA 13-3 \(§ 94\)](#) requires BOR, in consultation with DESPP, to evaluate whether the establishment of a special police force to replace campus security personnel for each regional community-technical college would be effective. BOR must report to the Higher Education and Employment Advancement Committee by January 1, 2014.

EFFECTIVE DATE: Upon passage

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