



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5852

Introduced 11/10/2020, by Rep. Deb Conroy - Emanuel Chris Welch - Jay Hoffman

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-90 new

Amends the School Code to create the Mental Health Task Force for Communication, Intelligence, Empathy, Emotion, and Empowerment. Provides that the purpose of the task force is to explore and determine a method and program for all students in primary and secondary school to receive mandated mental health care. Sets forth the membership of the task force. Contains provisions concerning the intent of the program, the goals of mandated health care, and task force meetings, duties, and reporting. Repeals these provisions on January 1, 2023. Effective immediately.

LRB101 22410 CMG 73479 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Section
5 22-90 as follows:

6 (105 ILCS 5/22-90 new)

7 Sec. 22-90. Mental Health Task Force for Communication,
8 Intelligence, Empathy, Emotion, and Empowerment.

9 (a) The General Assembly makes all of the following
10 findings:

11 (1) Mental health is not specific to any faith, color,
12 community, gender, or socioeconomic standard. It applies
13 to everyone. It impacts everyone. Access and availability
14 to mental health services is a human right. A right that
15 should be available to all people. The removal of the
16 stigma that society has historically placed upon those
17 seeking to obtain mental health services begins with
18 education and accessibility to mental health services for
19 all persons. Removing the stigma of mental health care
20 could be one of the greatest gifts that our State can give
21 to our children and to our society and a standard that
22 other states should follow.

23 (2) The State of Illinois has a social and ethical

1 responsibility to help guide Illinois youth by providing
2 necessary resources for mental health care. Providing
3 resources for students to learn how to effectively
4 articulate their thoughts and feelings and to become
5 emotionally responsible shall provide the tools and skill
6 sets needed to succeed professionally and personally
7 throughout the course of a lifetime.

8 (3) Our system is broken. We can no longer ask or
9 expect our schools and educators to fill the much-needed
10 gaps in mental health development, including social and
11 personal growth. Additional resources are necessary to
12 address and resolve significant social problems and issues
13 that include, but are not limited to, mass shootings,
14 racism, cyber-bullying, special needs, adaptation to
15 emerging technologies, the unknown long-term consequences
16 of the use of those technologies, a global pandemic, human
17 trafficking, and unspeakable trauma and abuse.

18 (b) The Mental Health Task Force for Communication,
19 Intelligence, Empathy, Emotion, and Empowerment is created as a
20 proactive and preventative approach to protect and empower our
21 State and nation.

22 (c) The primary purpose of this task force is to explore
23 and determine a method and program for all students in primary
24 and secondary school to receive mandated mental health care.

25 The overarching intent of the program is to provide open
26 access to mental health care for everyone, but the program

1 shall begin with students enrolled in grades kindergarten
2 through 12. The goals of mandated health care are to:

3 (1) create empathy in students for other students whose
4 needs may differ from their own;

5 (2) teach emotional responsibility and empowerment;

6 (3) remove the stigma of seeing a mental health
7 provider through exposure and education;

8 (4) normalize counseling by also approaching it as a
9 sort of life-coaching application to which all students
10 should have access;

11 (5) teach and develop interest in the field of mental
12 health so that our youth will have a solid and applicable
13 approach as needs change with evolving emerging
14 technologies;

15 (6) ensure that the science of psychology evolves with
16 advancements in technology by normalizing mental health
17 care and incorporating it into the daily lives of future
18 mental health care providers;

19 (7) determine a method for the collection of data for
20 evaluating the needs, progress, and successes of the
21 program that does not reveal or expose student identities;

22 (8) determine data markers that may be delineated
23 geographically for the purpose of future funding and the
24 allocation of resources, with the resources required to
25 collect, store, and administer the data being reported in
26 the findings submitted by the task force under subsection

1 (i); and

2 (9) establish consistent and clear procedures among
3 State and local agencies concerning the manner in which the
4 mental health records of students are legally collected,
5 stored, sealed, and expunged under the program.

6 (d) Members of this task force shall represent the
7 magnitude and importance of mandated mental health care for
8 students. This task force shall include all of the following
9 members:

10 (1) Six professional mental health providers holding
11 current and good standing licensure in the State of
12 Illinois that has never been suspended or revoked as
13 follows:

14 (A) Four professional clinical psychologists
15 licensed under the Clinical Psychologist Licensing Act
16 as follows:

17 (i) One clinical psychologist appointed by the
18 Governor.

19 (ii) One prescribing psychologist appointed by
20 the Governor.

21 (iii) One clinical psychologist appointed by
22 the Lieutenant Governor.

23 (iv) One prescribing psychologist appointed by
24 the Lieutenant Governor.

25 (B) Two professional clinical social workers
26 licensed under the Clinical Social Work and Social Work

1 Practice Act as follows:

2 (i) One clinical social worker appointed by
3 the Governor.

4 (ii) One clinical social worker appointed by
5 the Lieutenant Governor.

6 (2) One full-time school nurse or one nurse who is a
7 member of the United States Congress licensed under the
8 Nurse Practice Act and holding current and good standing
9 licensure in the State of Illinois that has never been
10 suspended or revoked, appointed by the Lieutenant
11 Governor.

12 (3) Six members of the General Assembly as follows:

13 (A) Two members of the General Assembly who are
14 appointed by the Speaker of the House of
15 Representatives.

16 (B) Two members of the General Assembly who are
17 appointed by the President of the Senate.

18 (C) One member of the General Assembly who is
19 appointed by the Minority Leader of the House of
20 Representatives.

21 (D) One member of the General Assembly who is
22 appointed by the Minority Leader of the Senate.

23 (4) Four school board members who are appointed by the
24 Illinois Association of School Boards as follows:

25 (A) One member of the Chicago Board of Education.

26 (B) One school board member of a school district

1 other than City of Chicago School District 299 that is
2 located north of Interstate 80.

3 (C) One school board member of a school district
4 located south of Interstate 80 and north of Interstate
5 72.

6 (D) One school board member of a school district
7 located south of Interstate 72.

8 (5) Three full-time principals appointed by the State
9 Board of Education as follows:

10 (A) One full-time principal of a primary school.

11 (B) One full-time principal of a secondary school.

12 (C) One full-time principal of a special education
13 school.

14 (6) Three full-time teachers appointed by the State
15 Board of Education as follows:

16 (A) One full-time teacher of a primary school.

17 (B) One full-time teacher of a secondary school.

18 (C) One full-time special education teacher.

19 (7) Three parents who have children currently enrolled
20 in a primary or secondary school and who are appointed by
21 the State Board of Education as follows:

22 (A) One parent who has a child enrolled in a public
23 school.

24 (B) One parent who has a child enrolled in a
25 nonpublic school.

26 (C) One parent who has a child with special needs

1 enrolled in a public or nonpublic school.

2 (8) One member who represents the emerging
3 technological industry, preferably with a strong presence
4 in science, technology, engineering, arts, and mathematics
5 (STEAM) programs and who is appointed by the Governor.

6 (9) Two student representatives as follows:

7 (A) One high school student who, for the duration
8 of the task force, is in attendance at a high school
9 located north of Interstate 80 and who is appointed by
10 the Governor.

11 (B) One high school student who, for the duration
12 of the task force, is in attendance at a high school
13 located south of Interstate 80 and who is appointed by
14 the Lieutenant Governor.

15 (10) To assist the task force in establishing best
16 practices for the protection of the privacy,
17 confidentiality, and identity of students who participate
18 in the program, 4 licensed attorneys who are authorized to
19 practice law in this State and who have never been
20 suspended or disbarred from practicing law as follows:

21 (A) One attorney who specializes in juvenile law
22 and who is appointed by the Attorney General.

23 (B) One attorney who specializes in juvenile
24 justice and who is appointed by the Director of
25 Juvenile Justice.

26 (C) One attorney who specializes in criminal law

1 and supports criminal justice reform and who is
2 appointed by the Director of Corrections.

3 (D) One attorney who specializes in criminal law or
4 juvenile law and supports juvenile justice reform and
5 who is appointed by the Director of the Illinois State
6 Police.

7 (11) One member who represents a youth camp located
8 within this State and who is appointed by the American Camp
9 Association.

10 (e) The task force shall meet initially at the call of the
11 State Board of Education within 45 days after the effective
12 date of this amendatory Act of the 101st General Assembly and
13 shall thereafter meet at the call of the State Board of
14 Education. At its initial meeting, the task force shall elect a
15 chairperson or chairpersons and any other officers it deems
16 appropriate from among its members and shall establish and
17 approve a meeting schedule under the advisement of the State
18 Board of Education. The task force shall meet by
19 videoconference, teleconference, or any other method
20 determined to be an efficient use of State resources by the
21 State Board of Education.

22 (f) Members of the task force shall serve without
23 compensation but shall be reimbursed for their reasonable and
24 necessary expenses from funds appropriated to the State Board
25 of Education for that purpose, including travel, subject to the
26 rules of the appropriate travel control board.

1 (g) The task force shall receive administrative and other
2 support from the State Board of Education. Additionally, the
3 Department of Innovation and Technology may provide technical
4 advice and guidance to the task force on the collection of
5 data.

6 (h) The task force shall determine the feasibility and
7 funding of and the best course of action to implement the
8 program. This course of action shall include the type of
9 provider and the frequency of seeing the provider. The course
10 of action may include pilot programs throughout this State,
11 including pilot programs that use and provide access to
12 telehealth services as described under the Telehealth Act.

13 (i) The task force shall submit a report of its findings to
14 the Governor and the General Assembly on or before December 31,
15 2021. Once the task force has submitted its report and a
16 positive course of action is set in place, all of the following
17 shall apply:

18 (1) A parent or guardian of a student has the option to
19 exclude the student from the program.

20 (2) Mental health records may not become a part of the
21 student's school record.

22 (3) Safety standards in mental health and child care
23 reporting shall remain in place.

24 (j) The task force is dissolved upon submission of its
25 report under subsection (i).

26 (k) This Section is repealed on January 1, 2023.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.