

HB3361



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3361

Introduced 2/17/2023, by Rep. Ryan Spain

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.196 new

Amends the School Code. Requires the State Board of Education to establish a School-Based Mental Health Services Grant Program to award grants to schools for the purpose of providing supplemental mental health services to students, in addition to services provided by the employees of a school. Sets forth provisions concerning Program requirements, grant applications, awards, requirements, funding, and reporting. Provides for guidelines and rulemaking. Effective immediately.

LRB103 26054 RJT 52409 b

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 2-3.196 as follows:

6 (105 ILCS 5/2-3.196 new)

7 Sec. 2-3.196. School-Based Mental Health Services Grant
8 Program.

9 (a) In this Section:

10 "Chief school administrator" means the superintendent of a
11 school district, the chief administrative officer of a
12 nonpublic school, the executive director of a cooperative or
13 joint agreement.

14 "Mental health services" means the provision of assistance
15 or preparation of a plan of assistance to students who are
16 experiencing anxiety, stress, trauma, or other mental or
17 emotional impairments interfering with their education and
18 behavior at school, with the goal of helping students engage
19 in their school community in a productive and positive manner
20 that maximizes their social and emotional development and
21 learning.

22 "Mental health services entity" means a county, community
23 organization, or agency that is licensed under State law to

1 provide mental health services for students.

2 "Mental health specialist" means an individual who is a
3 volunteer or employee of a mental health services entity and
4 holds a valid and current State license as a psychologist,
5 counselor, social worker, or clinical social worker.

6 "Program" means the School-Based Mental Health Services
7 Grant Program.

8 "Supplemental mental health services" means mental health
9 services provided by a mental health specialist and in
10 addition to the mental health services being provided by a
11 school's employees.

12 (b) The State Board of Education shall establish the
13 Program to award grants to schools for the purpose of
14 providing supplemental mental health services to students, in
15 addition to services provided by the employees of a school.
16 The Program shall support the use of community resources and
17 organizations so that students of a school can have their
18 mental health needs met within the school.

19 (c) Within 90 days after the effective date of this
20 amendatory Act of the 103rd General Assembly, the State Board
21 shall develop a process for awarding grants, including an
22 application form and a review process. The application form
23 shall include, at a minimum, the following:

24 (1) a description of the way a school intends to use
25 the grant award to provide supplemental mental health
26 services to students in a school setting;

1 (2) a description of how mental health specialists
2 will consult with school staff, including
3 multidisciplinary teams, the services that mental health
4 specialists will provide, and how the mental health
5 specialists will work under the supervision of an employee
6 of a school who is identified by the chief school
7 administrator as the coordinator of supplemental mental
8 health services within the school;

9 (3) the amount of grant money requested; and

10 (4) any additional information the State Board
11 determines is necessary.

12 (d) The State Board shall award grants under the Program
13 each fiscal year, subject to appropriation. A school may
14 receive a grant award in multiple fiscal years.

15 (e) The State Board shall make no more than 35 grant awards
16 each fiscal year under the Program. The State Board shall
17 ensure that grant awards are geographically dispersed across
18 the State. Subject to appropriation, grant awards under the
19 Program shall be disbursed no later than December 1, 2023 for
20 Fiscal Year 2024, and no later than December 1 in each
21 subsequent fiscal year.

22 (f) In order to receive a grant award under the Program, a
23 school must agree to use the grant money to supplement and not
24 supplant existing school spending on student mental health
25 services, and, for any fiscal year in which the school
26 receives a grant, the school may not reduce, curtail, or

1 eliminate any program or service related to student mental
2 health that existed at the time of application for a grant.

3 (g) The State Board shall fund grant awards with
4 appropriations for the Program or with grants or other funding
5 from the federal government, private foundations, or other
6 sources.

7 (h) A school that receives a grant award under the Program
8 shall do the following:

9 (1) post the approved application on the school's
10 Internet website if it maintains one; and

11 (2) enter into one or more memoranda of understanding
12 with the mental health services entity with which the
13 mental health specialist is affiliated or employed. A
14 memorandum of understanding shall include the following:

15 (A) the name of the school in which the
16 supplemental mental health services will be provided;

17 (B) the cost and length of the agreement;

18 (C) a description of the following:

19 (i) the manner in which mental health
20 specialists will work in consultation and
21 coordination with existing school counselors,
22 school social workers, and school psychologists
23 who are employed by the school;

24 (ii) how the mental health specialist will
25 work under the supervision of an employee
26 designated by the chief school administrator; and

1 (iii) the services that the mental health
2 specialist will provide;

3 (D) the name of the mental health specialist who
4 will be assigned to the school and the qualifications
5 of the mental health specialist;

6 (E) the name of the point of contact within the
7 mental health services entity with which the mental
8 health specialist is affiliated and a process by which
9 the point of contact shall cooperate with the school
10 to resolve concerns regarding services provided by the
11 mental health specialist; and

12 (F) a description of quality standards that the
13 mental health services entity will meet with respect
14 to continuity of mental health specialists assigned to
15 a school to provide supplemental mental health
16 services to individual students.

17 (i) A school shall ensure that supplemental mental health
18 services funded with a grant under the Program are consistent
19 with the federal Family Educational Rights and Privacy Act of
20 1974 and the Illinois School Student Records Act.

21 (j) After entering into a memorandum of understanding
22 under subsection (h), a school shall notify the parents or
23 legal guardians of all students enrolled in the school that
24 the school has entered into a memorandum of understanding with
25 a mental health services entity under this Section. The
26 notification shall include:

1 (1) a link to the approved grant application and a
2 description of the Program; and

3 (2) a statement that, if a student is identified by
4 the school as needing supplemental mental health services,
5 the parent or legal guardian of the student will be
6 notified and the parent or legal guardian has the option,
7 after consultation with the school, to exempt the student
8 from receiving supplemental mental health services by
9 signing and submitting an opt-out form to the school.

10 The opt-out form under paragraph (2) of this subsection
11 (j) shall be developed by the State Board and provided to all
12 schools. The opt-out form shall be posted on the Internet
13 website of each school for use by parents and legal guardians
14 of students.

15 (k) Within one year after receiving a grant under the
16 Program, a school shall file a report with the State Board
17 describing how the grant award has enabled the school to
18 provide school-based supplemental mental health services to
19 students of the school. The report shall be on a form developed
20 by the State Board.

21 (l) By April 30 of each year, the State Board shall compile
22 the reports received under subsection (k) for the immediately
23 preceding year and file the compiled report, along with any
24 recommendations for improvements to the Program, with the
25 Governor and the General Assembly.

26 (m) Nothing in this Section shall be construed to

1 supersede any provision of a collective bargaining agreement
2 negotiated between an educational employer and the exclusive
3 representative of the school's employees.

4 (n) Within 90 days after the effective date of this
5 amendatory Act of the 103rd General Assembly, the State Board,
6 in conjunction with the Department of Human Services, shall
7 develop guidelines to implement this Section. Upon development
8 of the guidelines, the State Board shall post the guidelines
9 on the State Board's Internet website.

10 (o) The State Board, in conjunction with the Department of
11 Human Services, shall have the power to adopt rules to
12 implement this Section.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.