



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Memorandum

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TO: Members of the School Safety Committee

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SUBJECT: School Safety and Mental Health Legislation in Other States

Introduction

Through the years, Colorado and the nation has experienced a number of tragic school shooting events. Because of this, school safety has been a hot topic in Colorado and in other states and states have enacted a number of policies to improve safety in schools. This memorandum provides a broad overview of legislation enacted in recent years related to increasing school safety. Much of the information was found on the National Conference of State Legislatures (NCSL) database on school safety. The database tracks bills related to school safety from 2017 to April of 2019 and can be found here: <http://www.ncsl.org/research/education/school-safety.aspx>. This memo explores four broad areas of school safety legislation: mental health; law enforcement; building security; and how states fund their various programs.

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Mental Health

In response to concerns about school safety, many states enacted bills focused on student mental health. These bills address various issues including increasing access to mental health care; training school personnel to notice signs of mental health issues; requiring schools to provide information to students on mental health services; requiring students to seek mental health services under certain circumstances; and increasing funding for mental health services. Each of these subject areas are described in more detail below.

Access to Mental Health Care

Many states enacted bills to increase student access to mental health, such as expanding Medicaid coverage for mental health. The District of Columbia¹ expanded Medicaid coverage to include telehealth behavioral health services, while Utah², dependent on federal approval, allows the state's

¹D.C. B22-0233 233 (2017).

²Utah Senate Bill 106 (2019).

Medicaid program to reimburse local education agencies, mental health authorities, or providers for delivering covered mental health services at a local education agency building or facility. In addition, Utah³ created the Psychiatric Consultation Program and Account, funded through a General Fund appropriation, in order to provide grants to health care facilities to give primary care providers access to a telehealth psychiatric consultation when evaluating an individual for mental health treatment.

States also attempted to increase access to mental health care by creating partnerships between different support agencies and schools. The District of Columbia⁴ created the School Health Innovation Grant for health providers who partner with a school to establish a health care clinic within the school. At the current time of this writing, funding was not available to implement this bill. Florida⁵ requires the government to contract with an outside agency to establish community action treatment teams in order to provide behavioral health services to children aged 11 to 21. These teams must create a multiagency network to support and represent the needs of students in creating a plan to spend: children's mental health funds; improve coordination of services; increase parent and youth involvement with the local system of care; and facilitate student and family access to effective services and programs. Tennessee⁶ allows school counselors to refer a parent or guardian of a student to another counselor or therapist for mental health assessments or services.

States also prohibited schools from taking certain actions when it comes to student mental health. Louisiana⁷ prohibits public schools from restricting a behavioral health provider from providing services to a student during schools hours, if the services are requested by a parent. In addition, both Georgia⁸ and Ohio⁹ limit the use of school suspensions and requires administrators to either talk to a mental health professional, or consider a multi-tiered system of support before suspending a student.

Additionally, states attempted to increase mental health services offered in a school. Florida¹⁰ passed a Mental Health Assistance allocation, funded through a General Fund appropriation of \$69.2 million, to assist school districts in establishing or expanding school-based mental health care. Each school district will receive at least \$100,000 with 90 percent of that funding going to mental health assessments, diagnosis, intervention, treatment, and recovery. Kentucky¹¹ requires each school district to employ one school counselor for every 250 students by July 1, 2021. Finally, Maine¹² requires school administrators to have protocols for suicide prevention and counseling services after there is an incident of youth suicide.

³Utah House Bill 393 (2019).

⁴D.C. B22-0232 (2017).

⁵Florida Senate Bill 7026 (2018).

⁶Tennessee Senate Bill 341 (2017).

⁷Louisiana House Bill 766 (2018).

⁸Georgia House Bill 740 (2017).

⁹Ohio House Bill 318 (2017).

¹⁰Florida Senate Bill 7026 (2018).

¹¹Kentucky Senate Bill 1 (2019).

¹²Maine House Bill 1174 (2017).

Mental Health Awareness Training

In recent years, states enacted bills to provide mental health training to school personnel so they can recognize symptoms of students who needed help. Illinois¹³, Kentucky¹⁴, Florida¹⁵, and Maine¹⁶ all require school personnel to have some sort of mental health or suicide prevention training. Which personnel receives the training and how often the training occurs differs by state. For example, in Illinois, training is required for all personnel administrators from kindergarten to 12th grade and requires the training to be taken every two years, while Maine requires each health educator in a secondary school to take a youth mental health first aid training program. Kentucky requires school resource officers to have training in mental health awareness and mandates that all middle and high school principals, counselors, and teachers have one hour of high quality suicide prevention training every school year. Florida requires all school personnel to complete a training program on identifying and understanding signs of emotional disturbance and mental illness, and school districts must let personnel know of available mental health services.

Information on Mental Health

In response to mental health concerns, states have enacted legislation to disseminate more information about mental health and what services are available. Washington¹⁷ requires the University of Washington to develop a statewide website with resources for behavioral health and suicide prevention for postsecondary institutions. Utah¹⁸ mandates that medical professionals watch a series of suicide prevention videos in order to renew his or her license. In addition, the bill adds training for school personnel to address increased risk of suicide among youth not accepted by family for any reason, including being LGBTQ. Finally, Kentucky¹⁹ allows public schools to provide suicide prevention awareness information either in person, live streaming, or via a video.

Required Help

Some states also enacted policies to require students to seek mental health services. The new Florida²⁰ law requires students to disclose any mental health services they have received when they register for a new school and schools may require students to seek services as a requirement to being admitted into a school after expulsion. The law also requires each school to have a policy to refer violent or disruptive students to mental health services and requires referrals to mental health services if a student brings a gun to school or makes a false report. Similarly, Louisiana²¹ requires school personnel to report credible threats of violence to local law enforcement agencies. Students who are the subject of the report cannot return to school until they have completed a mental health evaluation.

¹³Illinois House Bill 4658 (2017).

¹⁴Kentucky House Bill 30 (2018).

¹⁵Florida Senate Bill 7026 (2018).

¹⁶Maine House Bill 929 (2017).

¹⁷Washington Senate Bill 6514 (2017).

¹⁸Utah House Bill 393 (2019).

¹⁹Kentucky Senate Bill 1 (2019).

²⁰Florida Senate Bill 7026 (2018).

²¹Louisiana House Bill 898 (2018).

Funding for Mental Health Services

Finally, states also increased funding for mental health services in their schools. Examples include Ohio²², which allows a school district to ask voters to enact a mill levy in order to increase funding for school districts for security and mental health services; and North Carolina²³, which increased the funding for their Mental Health Services Block Grant to provide prevention, early intervention, and treatment to children and adults suffering from mental illness. North Carolina also provides funding through the School Safety Grants Program, which can be used for mental health services including: \$3.0 million for mental health awareness training and \$10.0 million to help cover the cost for additional school mental health support personnel. Funding to cover the salary for additional mental health support comes from a cash fund funded through the selling of a state hospital.²⁴

Law Enforcement

In an effort to increase school safety, states enacted a number of bills in order to increase the number of security personnel in schools. Bills include mandating that there be school resource officers (SROs) in each school; increasing the funding for schools in order to hire more SROs; creating trainings and standards for SROs; allowing retired or off-duty law enforcement officers to be security personnel at schools; creating volunteer security personnel programs; and creating new crimes for threatening violence against schools. Each category listed above is explained in more detail below.

SRO Requirements

States enacted legislation mandating that there be an SRO in each school. Kentucky²⁵ mandates school districts to assign a SRO to each school district as funds become available and Florida²⁶ requires all school districts to enter into agreement with a local law enforcement agency to provide SROs.

SRO Funding

Many bills that passed through state legislatures between 2017 and 2019 increased funding for schools in order to hire SROs. New York²⁷, Ohio²⁸, and Rhode Island²⁹ are examples of states that passed bills in order to provide more funding to schools for SROs. New York appropriated \$1.9 million to help cover the services and expenses of SROs. Rhode Island covers half the cost of salaries and benefits of SROs as long as one officer was assigned to each school. Ohio, as mentioned before, allows schools to use the funds they received through a mill levy for school safety initiatives. Finally, Maryland³⁰ enacted a bill to give a property tax credit to public safety officers in the Baltimore City Public School System.

²²Ohio Senate Bill 226 (2017).

²³North Carolina Senate Bill 99 (2017).

²⁴N.C. Gen. Stat. § 143C-9-2.

²⁵Kentucky Senate Bill 1 (2019).

²⁶Florida Senate Bill 7026 (2018).

²⁷New York Senate Bill 7503 (2017).

²⁸Ohio Senate Bill 226 (2017).

²⁹Rhode Island House Bill 7200 (2017).

³⁰Maryland House Bill 117 (2018); Senate Bill 394 (2018).

SRO Training

In addition to SRO funding, states also enacted bills to establish minimum training and standards for SROs. Delaware³¹, Illinois³², Kentucky³³, Massachusetts³⁴, Ohio³⁵, Utah³⁶, and Virginia³⁷ either established minimum standards for being a SRO or tasked a state department to establish standards or training programs. In Delaware, SROs must be trained to work with students with disabilities, while Kentucky SROs must be trained in mental health awareness. Illinois allows SROs to get a training waiver if certain conditions are met. In addition to minimum training, states enacted laws mandating that schools or school districts enter into a memorandum of understanding with a local law enforcement agency, and what requirements need to be included in that memorandum. Examples include Virginia³⁸ and Nebraska³⁹.

Retired and Off-Duty Law Enforcement and SROs

Other states enacted laws to allow retired or off duty law enforcement officers to be security personnel in schools. Alabama⁴⁰, Arkansas⁴¹, Florida⁴², Idaho⁴³, New Mexico⁴⁴, North Dakota⁴⁵, Tennessee⁴⁶, and West Virginia⁴⁷ allow either a retired or off-duty law enforcement officer to be an armed security guard in a school. Alabama, Arkansas, Idaho, and West Virginia allow for the retired police officer or off-duty officer to carry a firearm in public buildings, while Florida, New Mexico, and Tennessee allow off-duty or retired law enforcement offices to serve as school security officers. New Mexico requires their officers to go through a training program and they are only permitted to carry a firearm on school grounds if a local school board authorizes it.

Volunteers

Some states passed laws to allow volunteers to be security personnel at schools. However, these volunteers often do not have the same powers as law enforcement agents. For example, Florida⁴⁸ enacted the School Guardian Program which allows a sheriff, after approval from a school district, to certify a school employee, who meets the necessary qualifications and has completed the necessary training, to be a school guardian to aid in the prevention or abating of an active shooter; however, the school guardian does not have the power to make an arrest. Virginia⁴⁹ revised their Special Conservator of Peace Program to clarify that conservators of peace may only perform duties as

³¹Delaware House Bill 142 (2017).

³²Illinois Senate Bill 2925 (2017).

³³Kentucky Senate Bill 162 (2019).

³⁴Massachusetts Senate Bill 2371 (2017).

³⁵Ohio House Bill 318 (2017).

³⁶Utah House Bill 120 (2019).

³⁷Virginia House Bill 2721 (2017).

³⁸Virginia House Bill 1733 (2018).

³⁹Nebraska Legislative Bill 390 (2019).

⁴⁰Alabama Senate Bill 27 (2018).

⁴¹Arkansas Senate Bill 197 (2019).

⁴²Florida Senate Bill 7026 (2018).

⁴³Idaho House Bill 565 (2018); House Bill 177 (2019).

⁴⁴New Mexico House Bill 129 (2019).

⁴⁵North Dakota Senate Bill 1332 (2019).

⁴⁶Tennessee Senate Bill 2059 (2017).

⁴⁷West Virginia Senate Bill 244 (2018).

⁴⁸Florida Senate Bill 7026 (2018).

⁴⁹Virginia House Bill 151 (2018).

qualified by training established by a government board and do not have the same powers as other police officers.

Crimes

Finally, many states enacted laws that make it a crime to threaten violence against a school. In North Carolina⁵⁰ it is illegal to communicate a threat on school property or at a house of religious worship. The law offers conditional discharges for individuals under the age of 20 if certain conditions are met. South Carolina⁵¹, Idaho⁵², and Vermont⁵³ all established an offense for making a threat against a school.

Building Security

States also enacted bills directed at securing school buildings. States examined different strategies regarding school building safety including the creation of a school safety coordinator, and requiring schools to have certain security measures; requirements for specific drills; and upgrading school building to secure them.

School Safety Specialist/Security Measures

Many states enacted laws designating personnel to inspect schools for security. The name for these personnel varies from state to state. In some cases, a person goes around to schools making sure they are secure, and in others, a school must designate one staff member to coordinate school safety. For example, in Kentucky⁵⁴, the state school security marshal must develop a risk assessment tool and then, after approval from the board of directors of the Center for School Safety, must conduct on-site reviews of schools using the tool. Maryland⁵⁵ requires its school safety center to conduct assessments on schools and mandates that each school system to designate a school safety coordinator who is in charge of making sure a school is safe.

A number of these bills require schools to go through a risk assessment or to develop specific safety measures for each schools. Kentucky⁵⁶, Maryland⁵⁷, Rhode Island⁵⁸, and West Virginia⁵⁹ require some sort of assessment on the safety of schools. Virginia⁶⁰ requires each school board to develop a procurement plan with the local building official and the local fire marshal to ensure that all security enhancements to public schools are in compliance with state law.

States also enacted laws requiring the implementation of certain tools. Louisiana⁶¹ requires a public school governing authorities and postsecondary schools to develop and distribute information to each

⁵⁰North Carolina House Bill 670 (2017).

⁵¹South Carolina Senate Bill 131 (2017).

⁵²Idaho House Bill 665 (2018).

⁵³Vermont House Bill 25 (2017).

⁵⁴Kentucky Senate Bill 1 (2019).

⁵⁵Maryland Senate Bill 1265 (2018).

⁵⁶Kentucky Senate Bill 1 (2019).

⁵⁷Maryland Senate Bill 1265 (2018).

⁵⁸Rhode Island House Bill 5016 (2017).

⁵⁹West Virginia Senate Bill 632 (2019).

⁶⁰Virginia House Bill 1725 (2018).

⁶¹Louisiana House Bill 895 (2018).

student that discusses: internet and cell phone safety and online content; how to distinguish threats; and how to report threats. New Jersey⁶² requires each school to have a silent panic alarm and provides funding through the issuing of bonds. Kentucky⁶³ requires each school, by 2022, to have electronically locking doors, a camera and intercom system at the main entrance of a school, and classroom doors that are equipped with hardware to allow doors to be locked from the outside but opened from the inside; to require that doors be closed and locked during instruction time; and to have windows equipped with a material to quickly cover them during a lockdown. West Virginia⁶⁴ also passed legislation to require security cameras in certain classroom, dependent on available appropriations from the state.

Finally, states enacted a number of bills to fund upgrades to schools. Some of the bills, like in Alabama⁶⁵, Maine⁶⁶, New Mexico⁶⁷, and Virginia⁶⁸ allow certain funds to also be used for school security, or in the case of Maine, moves school security to a number one priority when it comes to loans for school administrative units. Other bills create funds to be used specifically for schools safety. More information about funding can be found in the Funding section.

Drills, Plans, and Trainings

States enacted bills that specify what schools must do when it comes to drills. Illinois⁶⁹ requires each school to conduct a school shooting drill, while Iowa⁷⁰ and Washington⁷¹ mandate how often certain drills must occur. States also enacted several laws that require schools to create a plan for what must occur if a school shooting happens. Many of these plans must be created with, or approved by, a third party entity. For example, Rhode Island⁷² created the School Safety Committee and each school district must create and submit an emergency action plan to the committee. Or, in Virginia⁷³, each school board must include certain public safety agencies when developing a school crisis response plan. Washington⁷⁴ appropriated \$100,000 each year, through state fiscal year 2019, for a school safety program to provide school safety training for school administration and safety personnel. The legislation also includes \$50,000 for law enforcement agencies to help train officers on how to identify and intervene against potential perpetrators of mass shootings.

⁶²New Jersey Assembly Bill 764 (2018).

⁶³Kentucky Senate Bill 1 (2019).

⁶⁴West Virginia Senate Bill 632 (2019).

⁶⁵Alabama Senate Bill 323 (2018).

⁶⁶Maine House Bill 1783 (2018).

⁶⁷New Mexico House Bill 306 (2018); Senate Bill 239 (2018).

⁶⁸Virginia House Bill 2720 (2018).

⁶⁹Illinois Senate Bill 2350 (2017).

⁷⁰Iowa Senate Bill 2364 (2017).

⁷¹Washington House Bill 1279 (2017).

⁷²Rhode Island House Bill 7694 substitute A (2018).

⁷³Virginia House Bill 1737 (2019).

⁷⁴Washington Senate Bill 6032 (2017).

Funding

More often than not, funding for school safety legislation comes from General Fund dollars. For example, Florida appropriated \$400 million dollars from the General Revenue Fund in the first year of implementation in order to fund school safety related efforts⁷⁵. To upgrade school buildings, many states had specific cash funds either dedicated for school safety or for school construction, which are funded in a variety of ways. In Indiana, the School Safety Funding is generated from court fees⁷⁶, while Wyoming funds their capital construction through mineral leases⁷⁷. Otherwise, these cash funds are funded mostly through appropriations from a state's General Fund. States also authorized local governments to issue bonds or mill levies in order to fund school safety initiatives. New Jersey⁷⁸, Ohio⁷⁹, and Virginia⁸⁰ passed legislation to increase funding through the issuance of bonds or levies⁸¹. To fund mental health initiatives, states were able to leverage some federal funds, but the vast majority of legislation was funded from states' General Funds.

⁷⁵Fiscal Note for Florida Senate Bill 7026: <https://www.flsenate.gov/Session/Bill/2018/7026/Analyses/2018s07026.ap.PDF>.

⁷⁶I.C. 5-2-10.1-2.

⁷⁷W.S. 21-15-111.

⁷⁸New Jersey Assembly Bill 764 (2018).

⁷⁹Ohio Senate Bill 226(2017).

⁸⁰Va. Code Ann. § 22.1-280.2:2.