SLS 22RS-551 **ORIGINAL** 

2022 Regular Session

1

SENATE BILL NO. 356

BY SENATOR JACKSON

TEACHERS. Provides for mental health awareness training and care for public school teachers. (gov sig)

AN ACT

2	To amend and reenact R.S. 17:437.1(A), (B)(2)(a)(introductory paragraph), (b), (c), (e), and
3	(g), and (E), and 3996(B)(4) and to enact R.S. 17:47.1, 437.1(F), 1200(D) through
4	(F), and 3997(A)(1)(d), relative to services for public school teachers; to provide
5	relative to sick leave for teachers and certain school employees; to provide
6	definitions; to require annual in-service training and associated materials to address
7	mental health awareness for teachers; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 17:437.1(A), (B)(2)(a)(introductory paragraph), (b), (c), (e), and (g)
10	and (E), and 3996(B)(4) are hereby amended and reenacted and R.S. 17:47.1, 437.1(F)
11	1200(D) through (F), and 3997(A)(1)(d) are hereby enacted to read as follows:
12	§47.1. Definitions
13	A. As used in this Subpart, the following words shall have the following
14	meanings unless the context clearly indicates otherwise:
15	(1) "Teacher" means any member of the teaching staff of a special school
16	in the state of Louisiana and any social worker, school counselor, or school
17	psychologist employed by the special school who holds, as applicable, a valid

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1	professional ancillary certificate in school social work, school counseling, or
2	school psychology issued by the state Department of Education.
3	(2) "Disabled" or "disability" means unable to or the inability to
4	perform the essential functions of the job the teacher or school employee was
5	performing at the time of his injury.
6	(3) "Personal illness" means an accident, injury, illness, disease, or
7	mental condition that prevents the teacher or school employee from performing
8	his job duties.
9	(4) "Physician" means a physician, dentist, nurse practitioner, physician
10	assistant, psychologist, or psychiatrist licensed by the state of Louisiana.
11	B. Any information, whether oral, written, electronic, visual, or of any
12	other form, that relates to an individual's past, present, or future physical or
13	mental health status, condition, treatment, service, or provision of care that is
14	submitted to a school or a school governing authority as required in this
15	Subpart shall be deemed "protected health information". The protected health
16	information shall be designated confidential by state or federal law and shall not
17	be shared for purposes other than official school business relative to the
18	administration of sick leave policies required in this Subpart without written
19	consent of the teacher or school employee.
20	* * *
21	§437.1. Suicide Mental health awareness and suicide prevention; in-service
22	training; materials and supplies; limitation on liability
23	A. The State Board of Elementary and Secondary Education shall develop
24	and adopt guidelines for in-service training in mental health awareness and suicide
25	prevention as provided for in Subsection B of this Section. The board, in
26	coordination with the Louisiana Department of Health, shall identify suitable
27	programs for use in such training. The state Department of Education shall post on
28	its website a listing of approved programs. The list shall include instructions on

accessing such programs. The board shall update the list every five years.

1	B. * * *
2	(2) The training shall address the following:
3	(a) Increasing awareness of <u>mental health issues and</u> risk factors <u>for suicide</u>
4	including but not limited to the following:
5	* * *
6	(b) How teachers should respond to suspicious behavior or warning signs
7	exhibited by students, teachers, or other school employees.
8	(c) How teachers should respond to a crisis situation in which a student,
9	teacher, or school employee is an imminent danger to himself.
10	* * *
11	(e) Counseling services available within the school for students and their
12	families, teachers, and other school employees related to mental health and
13	suicide prevention.
14	* * *
15	(g) Community organizations and agencies for referral of students, teachers,
16	or other school employees to health, mental health, substance abuse, and social
17	support services, including development of at least one memorandum of
18	understanding between the school system and such an entity in the community or
19	region.
20	* * *
21	E. The national suicide prevention hotline number shall be placed in
22	prominent areas in each school, including in the main office of the school, the
23	teacher's lounge, and the office of each counselor.
24	<b><u>F.</u></b> This Section shall be known and may be cited as the "Jason Flatt Act".
25	* * *
26	§1200. Definitions
27	* * *
28	D. As used in this Subpart "personal illness" means an accident, injury,
29	illness, disease, or mental condition that prevents the teacher or school

1	employee from performing his job duties.
2	E. As used in this Subpart "physician" means a physician, dentist, nurse
3	practitioner, physician assistant, psychologist, or psychiatrist licensed by the
4	state of Louisiana.
5	F. Any information, whether oral, written, electronic, visual, or of any
6	other form, that relates to an individual's past, present, or future physical or
7	mental health status, condition, treatment, service, or provision of care that is
8	submitted to a school or a school governing authority as required in this
9	Subpart shall be deemed "protected health information". The protected health
10	information shall be designated confidential by state or federal law and shall not
11	be shared for purposes other than official school business relative to the
12	administration of sick leave policies required in this Subpart without written
13	consent of the individual.
14	* * *
15	§3996. Charter schools; exemptions; requirements
16	* * *
17	B. Notwithstanding any state law, rule, or regulation to the contrary and
18	except as may be otherwise specifically provided for in an approved charter, a
19	charter school established and operated in accordance with the provisions of this
20	Chapter and its approved charter and the school's officers and employees shall be
21	exempt from all statutory mandates or other statutory requirements that are
22	applicable to public schools and to public school officers and employees except for
23	the following laws otherwise applicable to public schools with the same grades:
24	* * *
25	(4) In-service training regarding mental health awareness and suicide
26	prevention, R.S. 17:437.1.
27	* * *
28	§3997. Charter school employees
29	A.(1) * * *

1 (d)(i) The governing authority of any charter school shall provide that 2 any sick leave granted by the governing authority shall be permitted to be used 3 by the employee for his mental health care. (ii) The sick leave policies of any charter school shall provide that any 4 information, whether oral, written, electronic, visual, or of any other form, that 5 relates to an individual's past, present, or future physical or mental health 6 7 status, condition, treatment, service, or provision of care that is submitted to a 8 school or a school governing authority as required within the school's sick leave 9 policies shall be deemed "protected health information". The protected health 10 information shall be designated confidential by state or federal law and shall not 11 be shared for purposes other than official school business relative to the 12 administration of the school's sick leave policies without written consent of the 13 individual. 14 Section 2. This Act shall become effective upon signature by the governor or, if not 15 16 signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become 18 19 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Serrett.

## DIGEST

SB 356 Original

2022 Regular Session

Jackson

<u>Present law</u> provides for sick leave for teachers and school employees in state special schools and public schools under the authority of a city, parish, or other local school board.

<u>Proposed law</u> retains <u>present law</u> and clarifies that mental health care is a permissible use for sick leave through the defining of personal illness and physicians.

<u>Proposed law</u> defines protected health information and provides that the information is confidential and requires written consent of the individual for such information to be shared for purposes other than administration of sick leave policies.

<u>Present law</u> requires teacher in-service training for suicide prevention. Further requires such training to address mental health conditions.

<u>Proposed law</u> retains <u>present law</u>. Requires the in-service training to focus on both mental health awareness and suicide prevention for students, teachers, and other school employees. <u>Present law</u> authorizes charter schools and exempts charters from the laws relative to public schools, except for those specifically listed in <u>present law</u>. Provides that charter schools may employ faculty and staff as it deems necessary and shall notify the employees of the specific benefits they will be offered.

<u>Proposed law</u> retains <u>present law</u>. Further provides that the sick leave benefits provided by charters allow the use of such leave for mental health care. Requires information submitted by the employee relative to sick leave be deemed as protected health information that is confidential and which may be shared only for administration of sick leave policies unless written consent of the individual is obtained.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 17:437.1(A), (B)(2)(a)(intro. para.), (b), (c), (e), and (g), and (E), and 3996(B)(4); adds R.S. 17:47.1, 437.1(F), 1200(D)-(F), and 3997(A)(1)(d))