

AN ACT to amend the education law in relation to improving student mental health and mental health literacy in institutions of higher education in the state, and requiring the amendment or adoption of related protocols and policies of SUNY, CUNY and independent institutions of higher education

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The education law is amended by adding a new section 362 to read as follows:

§ 362. Student mental health. 1. The state university shall take the following actions regarding student mental health:

(a) (i) amend existing or adopt new protocols and policies to establish parity between student physical and mental health, including the provision of reasonable accommodations, whenever possible and appropriate;

(ii) amend existing or adopt new enrollment, re-enrollment, medical leave of absence, voluntary and involuntary leave and termination policies of the state university and create specific provisions for students experiencing mental health issues or crises. Such actions are intended to improve responses to mental health needs and crises of students, improve suicide prevention and intervention, provide flexible voluntary leave opportunities, provide individualized student assessments with consideration of reasonable requests by students and appropriate deference to their treating providers, and provide reasonable accommodations intended to avoid extended involuntary leave or termination, whenever possible and appropriate;

(b) require a mental health section to be included in orientation programs for newly enrolled students intended to enhance mental health literacy among students and with the goals to increase knowledge about mental health, to increase help-seeking behaviors, and to reduce stigma; and

(c) all full-time faculty, administrators, athletic coaches, and student-facing staff, including adjunct professors of the university shall be required to receive mental health training on mental health literacy, disability law, best practices regarding reasonable accommodations for students with mental health needs, and recognizing signs of mental distress among students including recommendations for effective follow-up actions. All such training shall be provided in a culturally competent manner. Staff shall receive initial training within one hundred eighty days of the effective date of this section, or one hundred eighty days after the date upon which they commence employment at the university, with refresher training required within each three-year period thereafter. The chancellor of the state university, in conjunction with the commissioner, shall prescribe the form and manner in which such training shall be provided; and

(d) institute other programs intended to address and improve student mental health.

2. The state university and the state education department shall research, review, and publish or adopt model protocols and policies, that may be adopted and implemented by the state university, to implement subdivision one of this section.

§ 2. The education law is amended by adding a new section 6235 to read as follows:

§ 6235. Student mental health. 1. The city university shall take the following actions regarding student mental health:

(a) (i) amend existing or adopt new protocols and policies to establish parity between student physical and mental health, including the provision of reasonable accommodations whenever possible and appropriate;

(ii) amend existing or adopt new enrollment, re-enrollment, medical leave of absence, voluntary and involuntary leave and termination policies of the city university and create specific provisions for students experiencing mental health issues or crises. Such actions are intended to improve responses to mental health needs and crises of students, improve suicide prevention and intervention, provide flexible voluntary leave opportunities, provide individualized student assessments with consideration of reasonable requests by students and with appropriate deference to their treating providers, and provide reasonable accommodations intended to avoid extended involuntary leave or termination, whenever possible and appropriate;

(b) require a mental health section to be included in orientation programs for newly enrolled students intended to enhance mental health literacy among students and with the goals to increase knowledge about mental health, to increase help-seeking behavior, and to reduce stigma; and

(c) all full-time faculty, administrators, athletic coaches, and student-facing staff, including adjunct professors of the city university shall be required to receive mental health training on mental health literacy, disability law, best practices regarding reasonable accommodations for students with mental health needs, and recognizing signs of mental distress among students including recommendations for effective follow-up actions. All such training shall be provided in a culturally competent manner. Staff shall receive initial training within one hundred eighty days of the effective date of this section, or one hundred eighty days after the date upon which they commence employment at the university, with refresher training required within each three-year period thereafter. The board of trustees of the city university, in conjunction with the commissioner, shall prescribe the form and manner in which such training shall be provided; and

(d) institute other programs intended to address and improve student mental health.

2. The city university and the state education department shall research, review, and publish or adopt model protocols and policies, that may be adopted and implemented by the city university, to implement subdivision one of this section.

§ 3. The education law is amended by adding a new section 237-a to read as follows:

§237-a. Student mental health, mental health literacy and training in master plans of independent institutions of higher education. 1. The regents plan for higher education, required to be developed and transmitted pursuant to section two hundred thirty-seven of this article, and approved master plans of independent institutions of higher education shall include protocols and policies intended to improve the mental health of students, improve mental health literacy among students, faculty and student-facing staff, and establish parity between physical and mental health, including reasonable accommodations, whenever possible and appropriate. The regents plan shall also require such institutions to amend existing or adopt new enrollment, re-enrollment, medical leave of absence, voluntary and involuntary leave and termination policies for students experiencing mental health issues or crises; to improve responses to mental health needs and crises of students; and to improve suicide prevention and intervention policies. In addition, such institutions shall provide appropriate mental health training on mental health literacy, disability law, best practices regarding reasonable accommodations for students with mental health needs, and identifying or recognizing signs of mental distress among students including recommendations for effective follow-up actions. Staff training shall be provided to all full-time faculty, administrators, athletic coaches, and student-facing staff, including adjunct professors.

2. Independent institutions of higher education, shall review model protocols and policies that may be developed or adopted by the state university, the city university, and/or the state education department and consider whether to modify or adopt their master plans for purposes of improving student mental health, mental health literacy, and responses to mental health needs and crises in such institutions.

§4. This act shall take effect one hundred eighty days after it shall have become a law, except that the provisions of section three of this act relating to the regents plan for higher education and university master plans, shall be effective on the first date following the effective date of this act that such plans are required to be completed under section 237 of the education law.