

# STATE OF NEW YORK

6804--A

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

Introduced by M. of A. GUNTHER, FAHY -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

5 (a) (i) review, amend and publish various protocols and policies  
6 intended to improve the mental health of students, to improve mental  
7 health literacy among students and staff, and to establish parity  
8 between physical and mental health, including reasonable accommodations,  
9 whenever possible and appropriate;

10 (ii) review, amend and publish enrollment, re-enrollment, medical  
11 leave of absence, voluntary and involuntary leave and termination poli-  
12 cies of the state university and create specific provisions for students  
13 experiencing mental health issues or crises, that are intended to  
14 improve responses to the mental health needs and crises of students,  
15 improve suicide prevention and intervention, provide flexible voluntary  
16 leave opportunities, provide individualized student assessments with  
17 consideration of reasonable requests by students and appropriate defer-  
18 ence to their treating providers, and provide reasonable accommodations

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 to avoid extended involuntary leave or termination, whenever possible  
2 and appropriate;

3 (b) include a mental health section in orientation programs for newly  
4 enrolled students intended to enhance mental health literacy among  
5 students, to increase knowledge about mental health and help-seeking  
6 behaviors, and to reduce stigma;

7 (c) all full-time faculty, administrators, athletic coaches, student-  
8 facing and support staff, including adjunct professors of the universi-  
9 ty, shall be required to receive mental health training on mental health  
10 literacy, relevant disability law, reduction of stigma training, best  
11 practices regarding reasonable accommodations for students with mental  
12 health needs, and recognizing signs of mental distress among students  
13 and recommended follow-up safety actions. All such training shall be  
14 provided in a culturally competent manner. Staff shall receive initial  
15 training within one year of the effective date of this section, or with-  
16 in one year after the date upon which they commence employment at the  
17 university, with refresher training required within each three-year  
18 period thereafter. The chancellor of the state university, in conjunc-  
19 tion with the commissioner, shall prescribe the form and manner in which  
20 such training shall be provided; and

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

23 2. The state university and the department shall research, review, and  
24 publish model protocols and policies, that may be adopted and imple-  
25 mented by colleges and universities under their jurisdiction, to imple-  
26 ment the provisions of subdivision one of this section.

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

29 § 6235. Student mental health. 1. The city university shall take the  
30 following actions regarding student mental health:

31 (a) (i) review, amend and publish various protocols and policies  
32 intended to improve the mental health of students, to improve mental  
33 health literacy among students and staff, and to establish parity  
34 between physical and mental health, including reasonable accommodations,  
35 whenever possible and appropriate;

36 (ii) review, amend and publish enrollment, re-enrollment, medical  
37 leave of absence, voluntary and involuntary leave and termination poli-  
38 cies of the city university and create specific provisions for students  
39 experiencing mental health issues or crises, that are intended to  
40 improve responses to the mental health needs and crises of students,  
41 improve suicide prevention and intervention, provide flexible voluntary  
42 leave opportunities, provide individualized student assessments with  
43 consideration of reasonable requests by students and appropriate defer-  
44 ence to their treating providers, and provide reasonable accommodations  
45 to avoid extended involuntary leave or termination, whenever possible  
46 and appropriate;

47 (b) include a mental health section in orientation programs for newly  
48 enrolled students intended to enhance mental health literacy among  
49 students, to increase knowledge about mental health and help-seeking  
50 behaviors, and to reduce stigma;

51 (c) all full-time faculty, administrators, athletic coaches, student-  
52 facing and support staff, including adjunct professors of the city  
53 university, shall be required to receive mental health training on  
54 mental health literacy, relevant disability law, reduction of stigma  
55 training, best practices regarding reasonable accommodations for  
56 students with mental health needs, and recognizing signs of mental

1 distress among students and recommended follow-up safety actions. All  
2 such training shall be provided in a culturally competent manner. Staff  
3 shall receive initial training within one year of the effective date of  
4 this section, or within one year after the date upon which they commence  
5 employment at the city university, with refresher training required  
6 within each three-year period thereafter. The chancellor of the city  
7 university, in conjunction with the commissioner, shall prescribe the  
8 form and manner in which such training shall be provided; and

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

11 2. The city university and the department shall research, review, and  
12 publish model protocols and policies, that may be adopted and imple-  
13 mented by colleges and universities under their jurisdiction, to imple-  
14 ment the provisions of subdivision one of this section.

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

17 § 237-a. Student mental health, mental health literacy and training in  
18 master plans of independent institutions of higher education. 1. The  
19 regents plan for higher education, required to be developed and trans-  
20 mitted pursuant to section two hundred thirty-seven of this part, and  
21 approved master plans of independent institutions of higher education  
22 shall include protocols and policies intended to improve the mental  
23 health of students, improve mental health literacy among students,  
24 faculty and support staff, and establish parity between physical and  
25 mental health, including reasonable accommodations, whenever possible  
26 and appropriate. The regents plan shall also require such institutions  
27 to review, amend and publish enrollment, re-enrollment, medical leave of  
28 absence, voluntary and involuntary leave, and termination policies for  
29 students experiencing mental health issues or crises; improve responses  
30 to mental health needs and crises; review and improve suicide prevention  
31 and intervention policies; and provide appropriate staff training to all  
32 full-time faculty, administrators, athletic coaches, student-facing and  
33 support staff, as well as adjunct professors, to implement the above-re-  
34 ferenced protocols and policies.

35 2. Independent institutions of higher education, shall review model  
36 protocols and policies that may be developed or adopted by the universi-  
37 ty, the city university, or the department and consider whether to adopt  
38 such protocols and policies, in whole or in part, for inclusion in their  
39 master plans, for purposes of improving student mental health, mental  
40 health literacy, and responses to mental health needs and crises in such  
41 institutions.

42 § 4. This act shall take effect immediately; provided, however, that  
43 the provisions relating to the regents plan and university master plans  
44 pursuant to section three of this act, shall be effective on the first  
45 date, following the effective date of this act, when such plans are  
46 required to be completed under section 237 of the education law.