

School Safety and Mental Health

by Cynthia A. Smith, MS, JD

RECOGNIZING THAT STUDENTS CANNOT LEARN IF THEY DO NOT FEEL SAFE AT SCHOOL, some members of Congress are paying increased attention to the issues of safety and mental health in the nation's schools. Numerous recently introduced bills address these concerns. As Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, stated at a hearing on the use of restraints and seclusion in schools, "When we're talking about keeping our children safe, it isn't a partisan issue—it's a moral obligation."

This month's column focuses on legislation introduced recently to address the safety and mental health needs of all students, including students with AD/HD and related disorders.

In May, Rep. Phil Hare (D-IL) introduced the **Positive Behavior for Safe and Effective Schools Act** (HR 2597). Given that President Barack Obama sponsored the Senate version of the bill during the 110th Congress, we know the Administration is committed to signing HR 2597 into law. Furthermore, the House Committee on Education and Labor recently held a hearing to examine the use of restraints and seclusion in public schools and treatment facilities. Although federal law regulates the use of these practices on children in hospitals and other treatment facilities receiving federal funds, children in public and private schools

do not receive similar protections. Students in some U.S. schools have died or been injured as a result of these practices, according to hearing testimonies and a report published by the General Accountability Office, *Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers*. HR 2597 presents one possible alternative strategy to such practices.

HR 2597 seeks to improve school climate and promote academic success by encouraging the use of schoolwide positive behavior supports (PBIS). Research shows that using PBIS can increase instructional time, reduce disciplinary problems, and raise test scores. According to Rep. Hare, HR 2597 "provides schools with the flexibility and technical assistance needed to implement, expand, and sustain the use of the Positive Behavior Interventions and Supports system." In addition, HR 2597 would establish a new office in the U.S. Department of Education

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to assist mental health and related services professionals in coordinating and providing PBIS and other evidence-based approaches to help improve students' ability to be successful in school. The bill has been referred to the House Education and Labor Committee.

Also in May, Reps. Grace Napolitano (D-CA) and Tim Murphy (D-PA) introduced the **Mental Health in Schools Act** (HR 2531), which would broaden and increase funding for the Safe Schools-Healthy Students program by providing more comprehensive school-based mental health services. If signed into law, HR 2531 is intended to

- Increase collaboration and partnership among schools, families, media entities, and community organizations and agencies to provide and sustain more comprehensive mental health programs in schools.
- Require schools to apply a public health approach to mental health programs in schools, incorporating positive behavioral interventions and supports to emphasize promotion and prevention in addition to treatment.
- Require schools to provide culturally and linguistically appropriate comprehensive staff development to all school personnel.
- Provide support and training for parents, other family members, concerned members of the community, and children with mental health disorders.
- Provide a broad needs-assessment of youth who drop out of school.
- Require schools to thoroughly document outcome measures and actions they are taking to sustain the program independently of grant funds.

The bill has been referred to the Energy and Commerce Committee.

Rep. Linda Sanchez (D-CA) introduced two bills that would amend the Safe and Drug-Free Schools and Communities Act: the **Bullying and Gang Reduction for Improved Education Act** (HR 1589), and the **Safe Schools Improvement Act** (HR 2262). HR 1589 adds bullying and gang prevention to programs currently supported under the Safe and Drug-Free Schools and Communities program. HR 2262 would go one step further and require states to collect and report data on harassment and bullying in schools. Both bills have been referred to the House Education and Labor Committee.

The House Education and Labor Committee and the Senate Health, Education, Labor and Pensions Committee typically have primary jurisdiction over education-related legislation in the U.S. Congress. These committees also have jurisdiction over healthcare reform, so the bills mentioned above may be delayed or integrated into the reauthorization of the No Child Left Behind Act.

Visit the public policy section of chadd.org to find additional information on the bills and to follow their progress toward becoming law. Support is needed to move these and other bills through Congress, so please visit capwiz.com/chadd/home, CHADD's Legislative Action Center, at to learn how you can take action on these and other issues affecting children and adults with AD/HD. ●