

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

16
17
18
19
20
21
22
23
24

17
18
19
20
21
22
23
24

20
21
22
23
24

1 assessment, referral, consultation, and problem resolution
2 assistance to school district employees and their family members
3 seeking corrective help with medical or mental health problems,
4 including alcohol or drug abuse and emotional, marital, familial,
5 financial, or other personal problems. Participation in the
6 Education Employee Assistance Program shall be voluntary.

7 B. The Department of Mental Health and Substance Abuse Services
8 may contract with entities to carry out the purposes and functions
9 of the Education Employee Assistance Program and shall establish
10 standards and criteria for entities to be eligible to contract with
11 the Department.

12 C. The Board of Mental Health and Substance Abuse Services
13 shall:

14 1. Promulgate rules necessary for the administration of the
15 Education Employee Assistance Program and the maintenance and
16 release of participant records; and

17 2. Establish evaluation methods to assess the effectiveness of
18 the Education Employee Assistance Program.

19 D. Nothing in this section shall nullify a school district's
20 existing employee assistance program or prohibit a school district
21 from establishing its own employee assistance program; provided,
22 however, programs established by school districts shall be subject
23 to compliance with rules promulgated by the Board to ensure
24 equitable treatment of employees.

1 E. Records related to employee participation in the Education
2 Employee Assistance Program or an employee assistance program
3 established by a school district shall be maintained separately from
4 regular personnel records and shall not become part of an employee's
5 personnel file. Records related to an individual's participation in
6 an employee assistance program shall be confidential and neither the
7 records nor the testimony of an Education Employee Assistance
8 Program professional shall be subject to subpoena unless a
9 participant poses a threat to deliberately harm others or engage in
10 self-harm. This determination shall be made by an Education
11 Employee Assistance Program professional. A participant in an
12 employee assistance program shall have a right to access his or her
13 own employee assistance program records.

14 F. Nothing in this section or the rules promulgated pursuant to
15 this section shall be construed to conflict with a school district's
16 responsibility and authority to maintain discipline or to take
17 disciplinary measures against employees if appropriate.

18 Participation or nonparticipation in any employee assistance program
19 shall not excuse an employee from discipline or otherwise affect the
20 terms and conditions of the employee's employment status with a
21 school district.

22 SECTION 2. This act shall become effective July 1, 2023.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
5 03/02/2023 - DO PASS, As Amended and Coauthored.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24