

AMENDED IN ASSEMBLY MAY 6, 2015

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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 580

Introduced by Assembly Member O'Donnell

February 24, 2015

An act to add Chapter 3.3 (commencing with Section 44700) to Part 25 of Division 3 of Title 2 of the Education Code, relating to school employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, O'Donnell. School employees: in-service training: early identification of pupil mental health issues.

Existing law establishes a system of public elementary and secondary schools in this state. Existing law provides for the establishment of local educational agencies to operate public elementary and secondary schools and provide instruction to pupils. Existing law requires local educational agencies to actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.

This bill would state the Legislature's findings and declarations regarding pupil mental health issues. The bill would require school districts, county offices of education, and charter schools to provide in-service training every school year to ~~teachers of~~ *certified employees that provide instruction to pupils in kindergarten and or any of grades 1 to 12, inclusive*, and to classified staff who have regular personal contact with pupils, on the early identification of pupil mental health

issues, as specified. The bill would authorize those entities to provide the required training in an online format outside of a regularly scheduled staff meeting. The bill would provide that the Legislature encourages these entities to provide the required training as part of a larger initiative aimed at improving mental health outcomes for pupils, and to use existing funds from other state and federal sources, as appropriate, to provide the required training. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.3 (commencing with Section 44700)
2 is added to Part 25 of Division 3 of Title 2 of the Education Code,
3 to read:

4
5 CHAPTER 3.3. IN-SERVICE TRAINING; EARLY IDENTIFICATION
6 OF PUPIL MENTAL HEALTH ISSUES
7

8 44700. (a) The Legislature finds and declares all of the
9 following:

10 (1) In 2012, the Superintendent convened the Student Mental
11 Health Policy Workgroup, a collaboration between the department
12 and the California Mental Health Services Authority, to develop
13 policy recommendations that promote early identification, referral,
14 coordination, and access to quality mental health services for
15 pupils. The Student Mental Health Policy Workgroup is comprised
16 of teachers, school counselors, school social workers, school
17 psychologists, school nurses, and school administrators, as well
18 as state and county mental health professionals.

1 (2) The Student Mental Health Policy Workgroup has issued a
2 recommendation calling for increased training of school personnel,
3 in order to promote earlier identification and intervention to meet
4 the needs of California’s pupils.

5 (3) The Student Mental Health Policy Workgroup has found
6 the following:

7 (A) Research points to a strong connection between mental
8 wellness and academic achievement.

9 (B) Research demonstrates that early detection and treatment
10 of mental illness improves attendance, behavior, and academic
11 achievement.

12 (C) The percentage of children with mental health issues is
13 estimated at 20 percent, with 80 percent of those undiagnosed and
14 untreated. The lack of attention to their mental health has
15 significant effects on school achievement and life outcomes.

16 (D) Mental health challenges disproportionately impact pupils
17 who face stressors such as violence, trauma, and poverty.

18 (E) Mental health training for educators and other adults working
19 with pupils can help identify mental health issues early, allowing
20 pupils the opportunity to grow and thrive by receiving the support
21 they need to overcome barriers to their education.

22 (F) California’s educators report their lack of preparedness in
23 addressing pupil mental health challenges as a major barrier to
24 instruction. Most educators and staff lack training to identify pupils
25 who may be in need of support, make referrals, and, as appropriate,
26 to help pupils overcome or manage mental health barriers and
27 succeed in school.

28 (G) Statewide action is needed to expand training throughout
29 California so that all school staff can help address the significant
30 mental health needs of pupils.

31 (H) While some parts of the state have benefited from mental
32 health training on a small scale, limited budgets have restricted
33 the reach of training that is critically needed in all districts.

34 (I) Federal grant funds are now available for pilot programs in
35 school districts and county offices of education to help disseminate
36 mental health training throughout the state.

37 (J) The department has been authorized to administer the federal
38 “Now is the Time” AWARE (Advancing Wellness and Resilience
39 in Education) State Agency Program grant.

1 (K) This program will build and expand statewide awareness
2 of mental health issues among pupils by supporting training for
3 school personnel and other adults who interact with pupils to
4 identify possible mental health issues and connect pupils to
5 appropriate services.

6 (b) It is therefore the intent of the Legislature that California
7 educators become knowledgeable about early identification of
8 pupil mental health issues, including protocols for pupil referral
9 for additional support.

10 44701. (a) (1) Within the first six weeks of every school year,
11 as part of a regularly scheduled staff ~~meeting~~, *meeting or meetings*,
12 each school district, county office of education, and charter school
13 shall provide in-service training to ~~teachers~~ of *certificated*
14 *employees that provide instruction to* pupils in kindergarten ~~and~~
15 *or any of* grades 1 to 12, inclusive, and to classified staff who have
16 regular personal contact with pupils, on the early identification of
17 pupil mental health issues, including referral protocols. *For*
18 *classified staff, the training may occur at a time other than a staff*
19 *meeting, but in all cases shall occur during regular work hours.*

20 (2) The training required pursuant to paragraph (1) may instead
21 be provided in an online format outside of a regularly scheduled
22 staff meeting.

23 (b) The Legislature encourages school districts, county offices
24 of education, and charter schools to provide the training described
25 in subdivision (a) as part of a larger initiative aimed at improving
26 mental health outcomes for pupils.

27 (c) The Legislature encourages the use of existing funds from
28 other state and federal sources, as appropriate, to meet the
29 requirement of subdivision (a).

30 44702. Nothing in this chapter shall be construed as doing
31 either of the following:

32 (a) Requiring school personnel to identify, assess, diagnose, or
33 treat pupil mental health issues.

34 (b) Authorizing or encouraging school personnel to act outside
35 of the authority granted by their credential or license.

36 SEC. 2. If the Commission on State Mandates determines that
37 this act contains costs mandated by the state, reimbursement to
38 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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