

AMENDED IN ASSEMBLY MAY 28, 2015

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 580**

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**Introduced by Assembly Member O'Donnell**

February 24, 2015

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An act to add ~~Chapter 3.3 (commencing with Section 44700) to Part 25 of Division 3 of Title 2 of Section 33319.6 to the Education Code, relating to school employees: pupil health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as amended, O'Donnell. ~~School employees: in-service training: early identification of pupil mental health issues. Pupil mental health: early identification and referral: model referral protocol.~~

*Existing law provides that school districts and county offices of education are responsible for the overall development of a comprehensive school safety plan for each of their constituent schools, and encourages school safety plans to include clear guidelines for the roles and responsibilities of certain parties with school-related health and safety responsibilities, as specified.*

*This bill would require the State Department of Education and a county office of education designated by the department to jointly develop a model referral protocol, as provided, for addressing pupil mental health concerns. The bill would require the department and designated county office of education to consult with county offices of education and school districts that participated as regional leaders in a statewide pupil mental health initiative supported by the California*

*Mental Health Services Authority, to be selected jointly by the department and designated county office of education. The bill would also state various findings and declarations of the Legislature relating to pupil mental health.*

~~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 certified employees that provide instruction to pupils in kindergarten 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-no*.

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

1     *SECTION 1. (a) The Legislature finds and declares all of the*  
2 *following:*

3     *(1) Research points to a strong connection between mental*  
4 *wellness and academic achievement.*

5     *(2) Research demonstrates that early detection and treatment*  
6 *of mental illness improves attendance, behavior, and academic*  
7 *achievement.*

8     *(3) It is estimated that 20 percent of children have mental health*  
9 *issues, 80 percent of whom are estimated to be undiagnosed and*  
10 *untreated. The lack of attention to a child's mental health has*  
11 *significant effects on his or her school achievement and life*  
12 *outcomes.*

13     *(4) Mental health challenges disproportionately impact pupils*  
14 *who face stressors such as violence, trauma, and poverty.*

15     *(5) California's educators report their lack of preparedness in*  
16 *addressing pupil mental health challenges as a major barrier to*  
17 *instruction. Most educators and staff lack training to identify pupils*  
18 *who may be in need of support and to make referrals, as*  
19 *appropriate, to help pupils overcome and manage mental health*  
20 *issues and succeed in school.*

21     *(6) Several initiatives are underway to improve the early*  
22 *identification and referral of pupils for help with mental health*  
23 *challenges. These include the California County Superintendents*  
24 *Educational Services Association's K-12 Student Mental Health*  
25 *Initiative, funded by the California Mental Health Services*  
26 *Authority; the federally funded Now is the Time Advancing*  
27 *Wellness and Resilience in Education (AWARE) State Educational*  
28 *Agency grant program administered by the State Department of*  
29 *Education; Training Educators through Recognition and*  
30 *Identification Strategies (TETRIS); the Eliminating Barriers to*  
31 *Learning (EBL) project administered by the State Department of*  
32 *Education and funded by the California Mental Health Services*  
33 *Authority; and the Student Mental Health Policy Workgroup*  
34 *established by the Superintendent of Public Instruction and the*  
35 *California Mental Health Services Authority.*

36     *(7) In spite of these efforts, no model referral protocol exists to*  
37 *guide schools and local educational agencies in appropriate and*  
38 *timely intervention for pupil mental health concerns.*

1 (b) *It is therefore the intent of the Legislature to direct the*  
2 *development of a model, evidence-based referral protocol for*  
3 *addressing pupil mental health concerns that may be voluntarily*  
4 *used by schoolsites, school districts, county offices of education,*  
5 *charter schools, and teacher and administrator preparation*  
6 *programs.*

7 SEC. 2. *Section 33319.6 is added to the Education Code, to*  
8 *read:*

9 33319.6. (a) *For purposes of this section, the following terms*  
10 *have the following meanings:*

11 (1) *“Designated county office of education” means a county*  
12 *office of education selected by the department that has experience*  
13 *in administering a statewide pupil mental health initiative*  
14 *supported by the California Mental Health Services Authority.*

15 (2) *“Participating local educational agency” means a county*  
16 *office of education or school district selected jointly by the*  
17 *department and designated county office of education that has*  
18 *participated as a regional leader in a statewide pupil mental health*  
19 *initiative supported by the California Mental Health Services*  
20 *Authority. The department and designated county office of*  
21 *education shall ensure that participating local educational*  
22 *agencies selected for purposes of this section reflect the geographic*  
23 *and socioeconomic diversity of the state.*

24 (b) *The department and designated county office of education*  
25 *shall jointly, in consultation with participating local educational*  
26 *agencies, current classroom teachers, and current schoolsite*  
27 *classified staff, develop a model referral protocol for addressing*  
28 *pupil mental health concerns. The protocol may be used, on a*  
29 *voluntary basis, by schoolsites, school districts, county offices of*  
30 *education, charter schools, and by teacher and administrator*  
31 *preparation programs operated by institutions of higher education.*  
32 *The protocol shall do all of the following:*

33 (1) *Address the referral by school staff of pupils with mental*  
34 *health concerns. The protocol may, at the discretion of the*  
35 *department and designated county office of education, include the*  
36 *continuum: from prevention, to identification, to referral for*  
37 *services.*

38 (2) *Reflect a multitiered system of support processes.*

39 (3) *Be adaptable to varied local service arrangements for mental*  
40 *health services.*

1 (4) Reflect evidence-based and culturally appropriate  
2 approaches to pupil mental health referral.

3 (5) Address the inclusion of parents and guardians in the  
4 referral process.

5 (6) Be written to ensure clarity and ease of use by certificated  
6 and classified school employees.

7 (7) Reflect differentiated referral processes for pupils with  
8 disabilities and other populations for whom the referral process  
9 may be distinct.

10 (8) Be consistent with state activities conducted by the  
11 department in the administration of federally funded mental health  
12 programs.

13 (c) The designated county office of education acting jointly with  
14 the department shall be selected by the department and shall have  
15 experience in administering a statewide pupil mental health  
16 initiative supported by the California Mental Health Services  
17 Authority.

18 (d) The department and designated county office of education  
19 are encouraged to consult with the California Mental Health  
20 Services Authority, representatives of county mental health  
21 programs, and the Student Mental Health Policy Workgroup in  
22 the development of this protocol.

23 (e) The department shall post the model referral protocol on its  
24 Internet Web site so that it may be accessed and used by local  
25 educational agencies and charter schools.

26 (f) This section is contingent upon funds being appropriated for  
27 its purpose to either the department or the designated county office  
28 of education in the annual Budget Act or other legislation, or other  
29 state, federal, or private funds being allocated for this purpose.

30 (g) The model referral protocol shall be completed and made  
31 available within one year of the date funds are received to  
32 implement this section.

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

~~CHAPTER 3.3. IN-SERVICE TRAINING: EARLY IDENTIFICATION  
OF PUPIL MENTAL HEALTH ISSUES~~

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

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

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

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

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

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

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

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

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

~~(F) California's educators report their lack of preparedness in addressing pupil mental health challenges as a major barrier to instruction. Most educators and staff lack training to identify pupils who may be in need of support, make referrals, and, as appropriate,~~

1 to help pupils overcome or manage mental health barriers and  
2 succeed in school.

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

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

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

12 (J) The department has been authorized to administer the federal  
13 “Now is the Time” AWARE (Advancing Wellness and Resilienece  
14 in Education) State Agency Program grant.

15 (K) This program will build and expand statewide awareness  
16 of mental health issues among pupils by supporting training for  
17 school personnel and other adults who interact with pupils to  
18 identify possible mental health issues and connect pupils to  
19 appropriate services.

20 (b) It is therefore the intent of the Legislature that California  
21 educators become knowledgeable about early identification of  
22 pupil mental health issues, including protocols for pupil referral  
23 for additional support.

24 44701. (a) (1) Within the first six weeks of every school year,  
25 as part of a regularly scheduled staff meeting or meetings, each  
26 school district, county office of education, and charter school shall  
27 provide in-service training to certificated employees that provide  
28 instruction to pupils in kindergarten or any of grades 1 to 12,  
29 inclusive, and to classified staff who have regular personal contact  
30 with pupils, on the early identification of pupil mental health issues,  
31 including referral protocols. For classified staff, the training may  
32 occur at a time other than a staff meeting, but in all cases shall  
33 occur during regular work hours.

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

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

1     ~~(e) The Legislature encourages the use of existing funds from~~  
2 ~~other state and federal sources, as appropriate, to meet the~~  
3 ~~requirement of subdivision (a).~~  
4     ~~44702. Nothing in this chapter shall be construed as doing~~  
5 ~~either of the following:~~  
6     ~~(a) Requiring school personnel to identify, assess, diagnose, or~~  
7 ~~treat pupil mental health issues.~~  
8     ~~(b) Authorizing or encouraging school personnel to act outside~~  
9 ~~of the authority granted by their credential or license.~~  
10     ~~SEC. 2. If the Commission on State Mandates determines that~~  
11 ~~this act contains costs mandated by the state, reimbursement to~~  
12 ~~local agencies and school districts for those costs shall be made~~  
13 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
14 ~~4 of Title 2 of the Government Code.~~