

AMENDED IN SENATE AUGUST 18, 2015

AMENDED IN ASSEMBLY JUNE 2, 2015

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1025

Introduced by Assembly Member Thurmond

February 26, 2015

An act to add and repeal Article 3 (commencing with Section 49440) of Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1025, as amended, Thurmond. Pupil health: multitiered and integrated interventions pilot program.

Existing law establishes a system of public elementary and secondary schools in this state, and provides for the establishment of school districts and other local educational agencies to operate these schools and provide instruction to pupils. Existing law requires the Superintendent of Public Instruction, among his or her other duties, to serve as the chief executive officer of the State Department of Education. *Existing law makes a one-time appropriation from the General Fund to the Superintendent to apportion to a designated county office of education or designated county offices of education for the purposes of providing technical assistance and encouraging and assisting in the development of schoolwide, data-driven systems of learning and behavioral supports to meet the needs of California's diverse learners.*

This bill, until January 1, 2020, would require ~~the State Department of Education~~ *the designated county office of education or county offices of education in the above-mentioned appropriation, in conjunction with the State Board of Education and a steering committee that the bill would require the department to establish*, to establish a 3-year pilot program to encourage inclusive practices that integrate mental health, special education, and school climate interventions following a multitiered framework in school districts that apply to participate, as specified. The bill would require ~~the State Department of Education~~ *the designated county office of education or designated county offices of education* to select schools where at least 60% of the student body is eligible for a free or reduced-price meal program and whose applications provide ~~an estimate for the amount of funding being requested for startup and evaluation~~ *evidence of a plan to serve their pupils with a combination of school funds and mental health funds* and detail a model approach that targets the behavioral, emotional, and academic needs of pupils with multitiered and integrated mental health, special education, and school climate interventions. The bill, in accordance with ~~the enactment of an appropriation for this purpose; the above-mentioned appropriation~~, would require ~~the State Department of Education~~ *designated county office of education or county offices of education* to provide startup and evaluation funding to each school participating in the pilot program, and would require ~~the schools to provide certain information to the State Department of Education~~ *department*, in accordance with a comprehensive evaluation plan developed by the ~~State Department of Health Care Services, the Mental Health Services Oversight and Accountability Commission, and the State Department of Education~~ *steering committee*, to assess the impact of the pilot program and disseminate best practices. ~~The bill would require the State Department of Education to submit a report to the Legislature evaluating the success of the pilot program at the end of the 3-year period.~~ The bill would require the Mental Health Services Oversight and Accountability Commission to revise its guidelines and regulations regarding prevention and early intervention programs in K-12 schools, as specified.

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

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

1 SECTION 1. (a) The Legislature finds and declares that pupils
2 from all backgrounds and circumstances in California deserve
3 adequate behavioral and academic support to achieve their full
4 potential. The Legislature further finds and declares all of the
5 following:

6 (1) Pupils in California face relational and environmental
7 stressors that diminish their ability to achieve their full potential.
8 Among these complex challenges may be poverty, frequent
9 exposure to violence, placement in the foster care system, and
10 other negative experiences that result in chronic stress and trauma.
11 Nearly 700,000 pupils in California receive special education
12 services, and nearly one-in-four youth are living in poverty. Nearly
13 60,000 youth are currently placed in foster care, and as many as
14 20 percent of youth are in need of mental health interventions.

15 (2) Pupils with these stressors are frequently failed by the current
16 policies and systems in place, as measured by indicators for
17 academic outcomes, social inclusion, emotional development,
18 mental health support, and general pupil well-being.

19 (A) In California, more than 20 percent of special education
20 pupils spend less than 40 percent of their day within their regular
21 classroom, an indicator of inclusion, compared to 14 percent of
22 special education pupils nationally and a federal target of less than
23 9 percent.

24 (B) Only 59 percent of special education pupils graduated from
25 high school within four years in the 2010–11 fiscal year compared
26 to 76 percent of all pupils.

27 (C) Statewide, a recent study found only 58 percent of foster
28 youth in grade 12 graduated compared to 85 percent of all youth,
29 with nearly 14 percent of foster youth in grade 12 dropping out of
30 school.

31 (D) Far too often, youth with mental health challenges do not
32 receive the services they need. For instance, one study found that
33 nearly two-thirds of adolescents who experienced a major
34 depressive disorder in the last year did not receive treatment.

35 (E) Even by grade 3, low-income pupils perform substantially
36 below their higher income peers in areas of social and emotional
37 skill, social and emotional development, engagement in school,
38 and physical well-being.

1 (3) Current funding practices fail to adequately incentivize
2 schools to invest in front-end preventative measures that would
3 reduce overall cost of special education.

4 (4) Delivery of comprehensive community-based support and
5 resources requires a high level of collaboration among schools,
6 school districts, and county mental health agencies.

7 (5) Inclusive multitiered systems of behavioral and academic
8 supports are essential to providing high-quality, cost-effective
9 special education programs that benefit all pupils.

10 (6) The State Department of Education has recently received a
11 grant from the federal Substance Abuse and Mental Health Services
12 Administration to develop these special education programs and
13 has selected the City of Santa Rosa, the City of Garden Grove, and
14 the County of San Diego for pilot programs.

15 (7) Similar pilot programs are already established in the City
16 of Oakland and in the County of San Bernardino.

17 (8) The programs in the City of Oakland and the County of San
18 Bernardino are demonstrating that these programs generate savings
19 that more than offset their costs.

20 (b) It is the intent of the Legislature that, upon demonstrated
21 success of the pilot program established pursuant to Section 49440
22 of the Education Code, the evaluated models can be adopted by a
23 large number of schools to increase the efficient and effective
24 utilization of available community resources in order to promote
25 the success of all pupils.

26 SEC. 2. Article 3 (commencing with Section 49440) is added
27 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education
28 Code, to read:

29

30 Article 3. Multitiered and Integrated Interventions Pilot Program

31

32 49440. (a) As part of the plan to provide technical assistance
33 and disseminate statewide resources that encourage and assist local
34 educational agencies in establishing and aligning schoolwide,
35 data-driven systems of learning and behavioral supports, *pursuant*
36 *to Section 57 of Chapter 13 of the Statutes of 2015, the department*
37 *designated county office of education or county offices of*
38 *education, in conjunction with the state board and the steering*
39 *committee established pursuant to subdivision (d), shall establish*
40 a three-year pilot program in accordance with this article to

1 encourage inclusive practices that integrate mental health, special
2 education, and school climate interventions following a multitiered
3 framework.

4 (b) In accordance with ~~moneys appropriated in the annual~~
5 ~~Budget Act or another statute~~ *the funds specified in Section 57 of*
6 *Chapter 13 of the Statutes of 2015 and other funds that may be*
7 *appropriated for the purpose of implementing this article, the*
8 ~~department~~ *designated county office of education or county offices*
9 *of education shall establish the pilot program in ~~three~~ two schools*
10 *in each of five school districts that apply to participate through the*
11 *submission of detailed applications providing estimates for the*
12 *amount of funding being requested for startup and evaluation of*
13 *the program and specifying their intended models. The schools*
14 *selected shall not include schools that received a federal Substance*
15 *Abuse and Mental Health Services Administration’s “Now is The*
16 *Time” grant. The ~~department~~ designated county office of education*
17 *or county offices of education shall select schools where at least*
18 *60 percent of the student body is eligible for a free or reduced-price*
19 *meal program and whose applications provide evidence of a plan*
20 *to serve their pupils with a combination of school funds and mental*
21 *health funds and detail a model approach that targets the*
22 *behavioral, emotional, and academic needs of pupils with*
23 *multitiered and integrated mental health, special education, and*
24 *school climate interventions. In addition to reflecting the school’s*
25 *specific culture and needs, a school’s model shall include all of*
26 *the following:*

27 ~~(1) Formalized collaboration with local mental health agencies~~
28 ~~to provide school-based mental health services that are integrated~~
29 ~~within a multitiered system of support.~~

30 (1) *Entering into a partnership with the county in which the*
31 *school is located, or implement another method, in order to*
32 *demonstrate access to adequate funding to serve Medi-Cal eligible*
33 *pupils who are not in special education programs.*

34 (2) ~~Leverage~~ *Leveraging* of school and community resources
35 to offer comprehensive multitiered interventions on a sustainable
36 basis.

37 (3) An initial school climate assessment that includes
38 information from multiple stakeholders, including school staff,
39 pupils, and families, that is used to inform the selection of strategies
40 and interventions that reflect the culture and goals of the school.

1 (4) A coordination of services team that considers referrals for
2 services, oversees schoolwide efforts, and uses data-informed
3 processes to identify struggling pupils who require early
4 interventions.

5 (5) Whole school strategies that address school climate and
6 universal pupil well-being, such as positive behavioral interventions
7 and supports or the Olweus Bullying Prevention Program, as well
8 as comprehensive professional development opportunities, that
9 build the capacity of the entire school community to recognize and
10 respond to the unique social-emotional, behavioral, and academic
11 needs of pupils.

12 (6) Targeted interventions for pupils with identified
13 social-emotional, behavioral, and academic needs, such as
14 therapeutic group interventions, functional behavioral analysis and
15 plan development, and targeted skill groups.

16 (7) Intensive services, such as wraparound, behavioral
17 intervention, or one-on-one support, that can reduce the need for
18 a pupil's referral to special education or placement in more
19 restrictive, isolated settings.

20 (8) Specific strategies and practices that ensure parent
21 engagement with the school and provide parents with access to
22 resources that support their children's educational success.

23 (c) ~~In accordance with an appropriation in the annual Budget~~
24 ~~Act or another statute the funds specified in Section 57 of Chapter~~
25 ~~13 of the Statutes of 2015 and other funds that may be appropriated~~
26 ~~for the purpose of implementing this article, the department~~
27 ~~designated county office of education or county offices of education~~
28 ~~shall provide startup and evaluation funding to each school~~
29 ~~participating in the pilot program in the following amounts:~~

30 (1) Two hundred fifty thousand dollars (\$250,000) in year one.

31 (2) Two hundred thousand dollars (\$200,000) in year two.

32 (3) One hundred fifty thousand dollars (\$150,000) in year three.

33 ~~(d) (1) The State Department of Health Care Services, the~~
34 ~~Mental Health Services Oversight and Accountability Commission,~~
35 ~~and the department shall develop a comprehensive evaluation plan~~
36 ~~to assess the impact of the pilot program and disseminate best~~
37 ~~practices.~~

38 (d) (1) (A) *The department shall establish a steering committee*
39 *to provide advice and direction to the department to develop*
40 *criteria for grant awards and to develop a comprehensive*

1 *evaluation plan to assess the impact of the pilot program and*
2 *disseminate best practices.*

3 *(B) The steering committee shall include representatives from*
4 *the department, the State Department of Health Care Services, the*
5 *Mental Health Services Oversight and Accountability Commission,*
6 *and the state board, teachers, administrators, county behavioral*
7 *health directors, behavioral health providers, and representatives*
8 *of special education local plan areas.*

9 (2) Outcomes and indicators to be reported pursuant to this
10 subdivision by schools participating in the pilot program shall
11 include, but need not be limited to, those already being collected
12 by schools, as well as designated measures of pupil well-being,
13 academic achievement, and school engagement and attendance.

14 ~~(3) (A) The department, in compliance with Section 9795 of~~
15 ~~the Government Code, shall submit a report to the Legislature at~~
16 ~~the end of the three-year period evaluating the success of the~~
17 ~~program and making further recommendations. The department~~
18 ~~shall make the report available to the public, and shall post it on~~
19 ~~the department's Internet Web site.~~

20 ~~(B) The requirement to submit a report to the Legislature~~
21 ~~imposed under subparagraph (A) is inoperative, pursuant to Section~~
22 ~~10231.5 of the Government Code, four years after the report is~~
23 ~~due.~~

24 (e) The Mental Health Services Oversight and Accountability
25 Commission shall revise its guidelines and regulations for
26 Prevention and Early Intervention Programs of the Mental Health
27 Services Act, pursuant to Section 5840 of the Welfare and
28 Institutions Code, to require that these prevention and early
29 intervention programs in K-12 schools are designed to support
30 the implementation or expansion of model programs in accordance
31 with the criteria set forth in this section.

32 49441. This article shall remain in effect only until January 1,
33 2020, and as of that date is repealed, unless a later enacted statute,
34 that is enacted before January 1, 2020, deletes or extends that date.