

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 14 **VERSION: AMENDED JUNE 17, 2021**

AUTHOR: PORTANTINO **SPONSOR: NUMEROUS – SEE BELOW**

RECOMMENDED POSITION: SUPPORT

**SUBJECT: PUPIL HEALTH: SCHOOL EMPLOYEE AND PUPIL TRAINING: EXCUSED
ABSENCES: YOUTH MENTAL AND BEHAVIORAL HEALTH**

Summary:

This bill adds an absence for the benefit of a pupil's mental or behavioral health to the list of school absences that must be excused. It also requires the Department of Education to identify and provide one or more evidence-based youth behavioral health training programs for specified school employees and for pupils in grades 10-12.

Existing Law:

- 1)** Provides a list of reasons for which a pupil shall be excused from school, which include, among others, the following (Education Code (EC) §48205(a)):
 - a)** Due to illness.
 - b)** Due to quarantine under the direction of a county or city health officer.
 - c)** For the purpose of having medical, dental, optometric, or chiropractic services rendered.
 - d)** For the purpose of attending the funeral services, as specified.
 - e)** For the purpose of spending time with an immediate family member who is an active duty member of the military, as specified.
- 2)** States that the governing board of a school district shall give diligent care to the health and physical development of pupils and may employ properly certified persons for the work. (EC §49400)

This Bill:

- 1) Adds an absence for the benefit of a pupil's mental or behavioral health to the list of school absences that must be excused. (EC §48205)
- 2) Requires the Department of Education to identify one or more evidence-based training programs in youth behavioral health for a local educational agency to use to train classified and certificated school employees who have direct contact with pupils. However, this shall be implemented only if an appropriation is made in the annual Budget Act or another statute. (EC §49428.15(b) and (f))
- 3) Requires the Department of Education to make sure each identified training program meets certain specified requirements, including being peer-reviewed and evidence-based, provides instruction on recognizing the signs and symptoms of youth behavioral health disorders, and provides instruction on making referrals, maintaining privacy and confidentiality, and safe de-escalation of crisis situations. (EC §49428.15(c))
- 4) Requires a local educational agency to certify by January 1, 2023 that at least 50% of its combined certificated and classified employees at each school who have direct pupil contact, or at least 2 certificated and classified employees, whichever is greater, have received the training. (EC §49428.15(e))
- 5) Requires the Department of Education to identify one or more evidence-based youth behavioral health training programs with a curriculum tailored for pupils in grades 10 to 12, for use by local educational agencies. However, this shall be implemented only if an appropriation is made in the annual Budget Act or another statute. (EC §49428.2(b) and (d))
- 6) Requires the identified training programs to meet certain specified requirements, including being peer-reviewed and evidence-based, provides developmentally appropriate instruction and skill building, provides instruction on reducing stigma, available resources, and accessing treatment, provides instruction on strategies to develop healthy coping techniques and peer support, and seeks to prevent suicide and the abuse of alcohol and drugs. (EC §49428.2(b))
- 7) Requires a local educational agency to report the number of pupils who have voluntarily completed the training program by January 1, 2023. (EC §49429.2(c))
- 8) Makes the bill an urgency statute due to the COVID-19 pandemic and its impact on children's mental health.

Comment:

- 1) **Author's Intent.** According to the author, "California's youth are suffering. Thirty percent of high school students report experiencing depression symptoms - feeling sad or hopeless almost every day for 2 or more weeks in a row, so much so that they stopped doing some usual activities. Eighteen percent of high school students

have seriously considered attempting suicide, and 8% attempted suicide one or more times. Suicide is the second cause of death for youth 15 to 24 years old and the third leading cause of death among youth aged 10 to 14. In addition, marginalized populations, particularly LGBTQ youth, are at even greater risk.”

2) Policy and Advocacy Committee Recommendation. At its meeting on April 16, 2021, the Policy and Advocacy Committee recommended that the Board consider taking a “support” position on this bill. Separate from the recommended position, the Committee asked staff to reach out to the author’s office with the following requests/recommendations:

- a) Have the behavioral health training be available to pupils in all grades, instead of only being available to pupils in grades 10 to 12; and
- b) That the identified behavioral health training programs for classified/certificated school employees also include instruction on suicide risk identification.

Staff has reached out to the author’s office to provide this feedback.

The bill has undergone amendments since the Policy and Advocacy Committee recommended its position, however, they were minor in nature.

3) Support and Opposition

Support:

- Born This Way Foundation (co-source)
- California Association of Student Councils (co-source)
- California Council of Community Behavioral Health Agencies (co-source)
- County Behavioral Health Directors Association of California (co-source)
- Disability Rights California (co-source co-source)
- GENup (co-source)
- NextGen California (co-source)
- American Academy of Pediatrics, California
- Asian Americans for Community Involvement
- Association of Regional Centers
- Bay Area South Asian Network of Therapists
- Bay Area Student Activists
- California Access Coalition
- California Alliance of Child and Family Services
- California Hospitals Association
- California Student Board Member Association
- City of Santa Monica
- El Centro De Amistad
- Five Acres - the Boys' and Girls' Aid Society of Los Angeles County
- Fresno Barrios Unidos
- Gwendolyn's Light

- Hamburger Home dba Aviva Family and Children's Services
- Hillsides
- Los Angeles County Office of Education
- Mental Health Services Oversight and Accountability Commission
- National Association of Social Workers, California Chapter
- Pacific Clinics
- Pathpoint
- Providence St. Joseph Health
- Psychiatric Physicians Alliance of California
- S.u.p.e.r. Peer Counseling Program, Ramona High School
- San Diego Unified School District
- San Francisco Unified School District
- Steinberg Institute
- Tessie Cleveland Community Services Corporation
- The Arc and United Cerebral Palsy California Collaboration
- The Los Angeles Trust for Children's Health
- United Parents

Opposition:

- California Teacher's Association

4) History

2021

06/17/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on ED.

06/10/21 Referred to Com. on ED.

06/03/21 In Assembly. Read first time. Held at Desk.

06/03/21 Read third time. Urgency clause adopted. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly.

06/01/21 Read second time. Ordered to third reading.

05/28/21 Ordered to second reading.

05/28/21 Read third time and amended.

05/24/21 Read second time. Ordered to third reading.

05/20/21 Read second time and amended. Ordered to second reading.

05/20/21 From committee: Do pass as amended. (Ayes 7. Noes 0.) (May 20).

05/14/21 Set for hearing May 20.

04/05/21 April 5 hearing: Placed on APPR suspense file.

03/23/21 Set for hearing April 5.

03/18/21 Read second time and amended. Re-referred to Com. on APPR.

03/17/21 From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 7. Noes 0. Page 666.) (March 10).

03/03/21 From committee with author's amendments. Read second time and amended. Re-referred to Com. on ED.

02/23/21 Set for hearing March 10.
01/28/21 Referred to Com. on ED.
12/08/20 From printer. May be acted upon on or after January 7.
12/07/20 Introduced. Read first time. To Com. on RLS. for assignment. To print.

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AMENDED IN ASSEMBLY JUNE 17, 2021

AMENDED IN SENATE MAY 28, 2021

AMENDED IN SENATE MAY 20, 2021

AMENDED IN SENATE MARCH 18, 2021

AMENDED IN SENATE MARCH 3, 2021

SENATE BILL

No. 14

Introduced by Senator Portantino

(Principal coauthor: Assembly Member Low) (**Coauthors: Senators Dodd, Hueso, Pan, Rubio, and Umberg**) (Coauthors: Assembly Members Bauer-Kahan, Chau, Cunningham, Lee, Maienschein, and Quirk-Silva)

December 7, 2020

An act to amend Section 48205 of, and to add Sections 49428.15 and 49428.2 to, the Education Code, relating to pupil health, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

SB 14, as amended, Portantino. Pupil health: school employee and pupil training: excused absences: youth mental and behavioral health.

(1) Existing law, notwithstanding the requirement that each person between 6 and 18 years of age who is not otherwise exempted is subject to compulsory full-time education, requires a pupil to be excused from school for specified types of absences, including, among others, if the absence was due to the pupil's illness.

This bill would include, within the meaning of an absence due to a pupil's illness, an absence for the benefit of the pupil's mental or behavioral health. The bill would require the State Board of Education

to update its illness verification regulations, as necessary, to account for including a pupil's absence for the benefit of the pupil's mental or behavioral health within the scope of this provision. To the extent this bill would impose additional duties on local educational entities, the bill would impose a state-mandated local program.

(2) Existing law requires the governing board of a school district to give diligent care to the health and physical development of pupils and authorizes the governing board of a school district to employ properly certified persons for the work. Existing law requires a school of a school district or county office of education and a charter school to notify pupils and parents or guardians of pupils no less than twice during the school year on how to initiate access to available pupil mental health services on campus or in the community, or both, as provided.

This bill, contingent on an appropriation made for these purposes, would require the State Department of Education to identify ~~an one or more~~ evidence-based training ~~program~~ *programs* for a local educational agency to use to train classified and certificated school employees having direct contact with pupils in youth behavioral health, as specified. The bill would define a local educational agency for purposes of these provisions to mean a county office of education, school district, state special school, or charter school that serves pupils in any of grades 7 to 12, inclusive. The bill would require a local educational agency, on or before January 1, 2023, to certify to the department that at least 50% of its combined certificated and classified employees having direct contact with pupils at each school, or at least 2 classified and at least 2 certificated employees having direct contact with pupils at each school, whichever is greater, have received ~~the a~~ youth behavioral health training identified by the department. By requiring local educational agencies to provide training, the bill would impose a state-mandated local program.

This bill, contingent on an appropriation made for these purposes, would require the department to identify ~~an one or more~~ evidence-based behavioral health training ~~program~~ *programs* with a curriculum tailored for pupils in grades 10 to 12, inclusive, for use by a local educational agency, as defined, that ~~meets~~ *meet* certain requirements. The bill would require a local educational agency, on or before January 1, 2023, to report to the department the number of pupils who have voluntarily completed ~~the a~~ behavioral health training program. By requiring local educational agencies to prepare this report, the bill would impose a state-mandated local program.

(3) 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 the statutory provisions noted above.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

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

1 SECTION 1. Section 48205 of the Education Code is amended
2 to read:

3 48205. (a) Notwithstanding Section 48200, a pupil shall be
4 excused from school when the absence is:

5 (1) Due to the pupil’s illness, including an absence for the
6 benefit of the pupil’s mental or behavioral health. The state board
7 shall update its illness verification regulations, as necessary, to
8 account for including a pupil’s absence for the benefit of the pupil’s
9 mental or behavioral health within the scope of this paragraph.

10 (2) Due to quarantine under the direction of a county or city
11 health officer.

12 (3) For the purpose of having medical, dental, optometrical, or
13 chiropractic services rendered.

14 (4) For the purpose of attending the funeral services of a member
15 of the pupil’s immediate family, so long as the absence is not more
16 than one day if the service is conducted in California and not more
17 than three days if the service is conducted outside California.

18 (5) For the purpose of jury duty in the manner provided for by
19 law.

20 (6) Due to the illness or medical appointment during school
21 hours of a child of whom the pupil is the custodial parent, including
22 absences to care for a sick child, for which the school shall not
23 require a note from a doctor.

24 (7) For justifiable personal reasons, including, but not limited
25 to, an appearance in court, attendance at a funeral service,
26 observance of a holiday or ceremony of the pupil’s religion,

1 attendance at a religious retreat, attendance at an employment
2 conference, or attendance at an educational conference on the
3 legislative or judicial process offered by a nonprofit organization,
4 when the pupil's absence is requested in writing by the parent or
5 guardian and approved by the principal or a designated
6 representative pursuant to uniform standards established by the
7 governing board of the school district.

8 (8) For the purpose of serving as a member of a precinct board
9 for an election pursuant to Section 12302 of the Elections Code.

10 (9) For the purpose of spending time with a member of the
11 pupil's immediate family who is an active duty member of the
12 uniformed services, as defined in Section 49701, and has been
13 called to duty for, is on leave from, or has immediately returned
14 from, deployment to a combat zone or combat support position.
15 Absences granted pursuant to this paragraph shall be granted for
16 a period of time to be determined at the discretion of the
17 superintendent of the school district.

18 (10) For the purpose of attending the pupil's naturalization
19 ceremony to become a United States citizen.

20 (11) Authorized at the discretion of a school administrator, as
21 described in subdivision (c) of Section 48260.

22 (b) A pupil absent from school under this section shall be
23 allowed to complete all assignments and tests missed during the
24 absence that can be reasonably provided and, upon satisfactory
25 completion within a reasonable period of time, shall be given full
26 credit therefor. The teacher of the class from which a pupil is absent
27 shall determine which tests and assignments shall be reasonably
28 equivalent to, but not necessarily identical to, the tests and
29 assignments that the pupil missed during the absence.

30 (c) For purposes of this section, attendance at religious retreats
31 shall not exceed four hours per semester.

32 (d) Absences pursuant to this section are deemed to be absences
33 in computing average daily attendance and shall not generate state
34 apportionment payments.

35 (e) "Immediate family," as used in this section, means the parent
36 or guardian, brother or sister, grandparent, or any other relative
37 living in the household of the pupil.

38 SEC. 2. Section 49428.15 is added to the Education Code,
39 immediately following Section 49428.1, to read:

1 49428.15. (a) For purposes of this section, the following
2 definitions apply:

3 (1) “Local educational agency” means a county office of
4 education, school district, state special school, or charter school
5 that serves pupils in any of grades 7 to 12, inclusive.

6 (2) “Youth behavioral health disorders” means pupil mental
7 health and substance use disorders.

8 (3) “Youth behavioral health training” means training addressing
9 the signs and symptoms of a pupil mental health or substance use
10 disorder.

11 (b) The department shall identify ~~an~~ *one or more* evidence-based
12 training ~~program~~ *programs* for a local educational agency to use
13 to train classified and certificated school employees having direct
14 contact with pupils in youth behavioral health.

15 (c) In identifying ~~an~~ *one or more* evidence-based training
16 ~~program~~ *programs* pursuant to subdivision (b), the department
17 shall ensure that ~~the~~ *each* training program meets all of the
18 following requirements:

19 (1) Is a peer-reviewed evidence-based training program.

20 (2) Provides instruction on recognizing the signs and symptoms
21 of youth behavioral health disorders, including common psychiatric
22 conditions such as schizophrenia, bipolar disorder, major clinical
23 depression, anxiety disorders, eating disorders, and common
24 substance use disorders such as opioid and alcohol abuse.

25 (3) Provides instruction on how school staff can best provide
26 referrals to youth behavioral health services or other support to
27 individuals in the early stages of developing a youth behavioral
28 health disorder.

29 (4) Provides instruction on how to maintain pupil privacy and
30 confidentiality in a manner consistent with federal and state privacy
31 laws.

32 (5) Provides instruction on the safe deescalation of crisis
33 situations involving individuals with a youth behavioral health
34 disorder.

35 (6) Is capable of assessing trainee knowledge before and after
36 training is provided in order to measure training outcomes.

37 (7) Is administered by a nationally recognized ~~nonprofit~~ training
38 authority in youth behavioral health disorders.

1 (8) (A) Includes in-person and virtual training with certified
2 instructors who can recommend resources available in the
3 community for individuals with a youth behavioral health disorder.

4 (B) For purposes of this paragraph, “certified instructors” means
5 individuals who obtain or have obtained a certification to provide
6 the selected youth behavioral health training by a nationally
7 recognized authority in behavioral health training programs.

8 (d) (1) A local educational agency shall provide ~~the~~ a youth
9 behavioral health training identified pursuant to subdivision (b) to
10 certificated and classified employees during regularly scheduled
11 work hours.

12 (2) If a certificated or classified employee receives ~~the~~ a youth
13 behavioral health training in a manner other than through an
14 in-service training program provided by the local educational
15 agency, the employee may present a certificate of successful
16 completion of the training to the local educational agency for
17 purposes of satisfying the requirements of subdivision (e).

18 (3) Training in youth behavioral health shall not be a condition
19 of employment or hiring for classified or certificated employees.

20 (e) On or before January 1, 2023, a local educational agency
21 shall certify to the department that at least 50 percent of its
22 combined certificated and classified employees having direct
23 contact with pupils at each school, or at least two classified and at
24 least two certificated employees having direct contact with pupils
25 at each school, whichever is greater, have received ~~the~~ a youth
26 behavioral health training identified pursuant to subdivision (b).

27 (f) This section shall be implemented only to the extent an
28 appropriation is made in the annual Budget Act or another statute
29 for these purposes.

30 SEC. 3. Section 49428.2 is added to the Education Code, to
31 read:

32 49428.2. (a) For purposes of this section, the following
33 definitions apply:

34 (1) “Local educational agency” means a county office of
35 education, school district, state special school, or charter school
36 that serves pupils in any of grades 10 to 12, inclusive.

37 (2) “Youth behavioral health disorders” means pupil mental
38 health and substance use disorders.

1 (3) “Youth behavioral health training” means training addressing
2 the signs and symptoms of a pupil mental health or substance use
3 disorder.

4 (b) The department shall identify ~~an~~ *one or more* evidence-based
5 youth behavioral health training ~~program~~ *programs* with a
6 curriculum tailored for pupils in grades 10 to 12, inclusive, for use
7 by local educational agencies, that ~~meets~~ *meet* all of the following
8 requirements:

9 (1) Is peer-reviewed and evidence-based.

10 (2) Provides developmentally appropriate instruction and skill
11 building on identifying the signs and symptoms of, preventing,
12 and increasing awareness of and assistance for, youth behavioral
13 health disorders.

14 (3) Provides instruction on how to reduce the stigma around
15 youth behavioral health disorders and available resources, including
16 local school and community resources, and the process for
17 accessing treatment.

18 (4) Provides instruction on strategies to develop healthy coping
19 techniques and to support a peer, friend, or family member with
20 a youth behavioral health disorder.

21 (5) Seeks to prevent suicide and the abuse of and addiction to
22 alcohol, nicotine, and other drugs.

23 (6) Adheres to a curriculum developed by a nationally
24 recognized ~~nonprofit~~ training authority in youth behavioral health
25 disorders that is structured to train all pupils in grades 10 to 12,
26 inclusive, ensuring every pupil in each grade level is equipped
27 with the essential skills needed to seek help for themselves and to
28 direct others seeking help to the appropriate avenues for support.

29 (7) Includes training with certified instructors who can
30 recommend resources available in the community for individuals
31 with a youth behavioral health disorder.

32 (c) On or before January 1, 2023, a local educational agency
33 shall report to the department the number of pupils who have
34 voluntarily completed ~~the~~ *a* youth behavioral health training
35 program.

36 (d) This section shall be implemented only to the extent an
37 appropriation is made in the annual Budget Act or another statute
38 for these purposes.

39 SEC. 4. If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

4 SEC. 5. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the California Constitution and shall
7 go into immediate effect. The facts constituting the necessity are:
8 Because of the COVID-19 pandemic and its impact on children's
9 mental health, it is necessary that this act take effect immediately.

O