

AMENDED IN ASSEMBLY APRIL 29, 2024

AMENDED IN ASSEMBLY APRIL 15, 2024

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 3010

Introduced by Assembly Member Bauer-Kahan

February 16, 2024

An act to add Section 51226.8 to, and to add Article 7 (commencing with Section 51290) to Chapter 2 of Part 28 of Division 4 of Title 2 of, 33546.4 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 3010, as amended, Bauer-Kahan. Pupil instruction: ~~universal dialectical behavioral therapy skills~~; *mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation*.

Existing law requires the adopted courses of study for grades 1 to 6, inclusive, and 7 to 12, inclusive, to offer courses in certain areas of study, including, among others, physical education, with emphasis on activities that may be conducive to health and vigor of body and mind.

~~This bill would, commencing with the 2027–28 school year, require a local educational agency maintaining either of grades 7 or 8 to ensure that all pupils receive instruction in universal dialectical behavioral therapy skills, as defined, in either grade 7 or 8 or, for local educational agencies that also maintain grade 6, in grade 6, 7, or 8, as specified. The bill would authorize a parent or guardian of a pupil to excuse the pupil from all or part of this instruction, but would prohibit a local educational agency from requiring active parental consent for participation in the instruction. To the extent that this bill would create~~

~~new duties for local educational agencies or local officials, it would constitute a state-mandated local program.~~

Existing law establishes the Instructional Quality Commission and requires the commission to, among other things, develop, and the State Board of Education to adopt, modify, or revise, model curriculum frameworks, as specified.

~~This bill would require, on or before December 31, 2026, when the Health Education Framework for California Public Schools is next revised on or after January 1, 2025, the commission to develop, and, on or before March 31, 2027, the state board to adopt, modify, or revise, a model curriculum in universal dialectical behavioral therapy skills, as provided. consider including information on evidence-based schoolwide programs to support pupils in developing skills in mindfulness, distress tolerance, interpersonal effectiveness, and emotional regulation.~~

~~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.~~

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. Section 33546.4 is added to the Education Code,
2 to read:

3 33546.4. When the “Health Education Framework for
4 California Public Schools” (health framework) is next revised, on
5 or after January 1, 2025, the commission shall consider including
6 information on evidence-based schoolwide programs to support
7 pupils in developing skills in mindfulness, distress tolerance,
8 interpersonal effectiveness, and emotional regulation.

9 SECTION 1. ~~Section 51226.8 is added to the Education Code,~~
10 to read:

11 51226.8. (a) ~~The Instructional Quality Commission shall~~
12 ~~develop, and the state board shall adopt, modify, or revise, a model~~
13 ~~curriculum in universal dialectical behavioral therapy skills that~~

1 includes topics including mindfulness, distress tolerance,
 2 interpersonal effectiveness, and emotional regulation. The model
 3 curriculum shall be developed with participation from faculty of
 4 relevant programs at institutions of higher education and a group
 5 of representatives of local educational agencies, a majority of
 6 whom are kindergarten to grade 12, inclusive, teachers who have
 7 relevant experience or education background in the study and
 8 teaching of universal dialectical behavioral therapy skills.

9 (b) The model curriculum shall be written as a guide to allow
 10 local educational agencies to adapt their curricula to reflect the
 11 pupil demographics in their communities. The model curriculum
 12 shall include, to the extent available, examples of curricula offered
 13 by local educational agencies.

14 (c) On or before December 31, 2026, the Instructional Quality
 15 Commission shall submit the model curriculum to the state board
 16 for adoption, and the state board shall adopt the model curriculum
 17 on or before March 31, 2027.

18 (d) The Instructional Quality Commission shall provide a
 19 minimum of 45 days for public comment before submitting the
 20 model curriculum to the state board.

21 SEC. 2. Article 7 (commencing with Section 51290) is added
 22 to Chapter 2 of Part 28 of Division 4 of Title 2 of the Education
 23 Code, to read:

24
 25 **Article 7. California Student Resilience Act**

26
 27 51290. This article shall be known, and may be cited, as the
 28 California Student Resilience Act.

29 51290.1. The intent of this article is to provide pupils with the
 30 knowledge and skills necessary to protect their mental health by
 31 learning research-backed tools to change unhelpful thought patterns
 32 and deal with hard situations. The core skills provided for in this
 33 article are intended to support and improve youth mental health
 34 and decrease distress levels.

35 51290.2. For purposes of this article, the following definitions
 36 apply:

37 (a) “Age appropriate” means suitable to particular ages or age
 38 groups of children and adolescents, based on developing cognitive,
 39 emotional, and behavioral capacity typical for the age or age group.

1 (b) “Local educational agency” means a school district, charter
 2 school, county office of education, or state special school.
 3 (c) “Universal dialectical behavioral therapy skills” means
 4 evidence-backed skills that teach coping strategies and
 5 decisionmaking as a way to increase mental wellness and resilience
 6 included within the following four categories of skills:
 7 (1) Mindfulness skills to increase focus and awareness.
 8 (2) Distress tolerance skills to decrease impulsive and other
 9 problematic behaviors.
 10 (3) Interpersonal effectiveness skills to increase assertiveness
 11 skills and self-respect.
 12 (4) Emotional regulation skills to effectively identify and
 13 manage emotions.

14 51291. (a) (1) Commencing with the 2027–28 school year, a
 15 local educational agency maintaining either of grades 7 or 8 shall
 16 ensure that all pupils receive instruction in universal dialectical
 17 behavioral therapy skills in either grade 7 or 8.
 18 (2) A local educational agency subject to this subdivision that
 19 also maintains grade 6 may satisfy this requirement by ensuring
 20 that all pupils in grade 6 receive the required instruction.

21 (b) (1) A local educational agency shall ensure that the
 22 instruction required by this section is provided by instructors with
 23 knowledge of medically accurate research on the relevant topic or
 24 topics covered in their instruction.
 25 (2) A local educational agency may contract with a third party
 26 to provide instruction required by this section, including, but not
 27 limited to, either of the following:
 28 (A) A wellness coach certified by the Department of Health
 29 Care Access and Information.
 30 (B) An individual who has developed multilingual curricula in
 31 universal dialectical behavioral therapy skills or universal
 32 dialectical behavioral therapy skills curricula accessible to persons
 33 with disabilities.

34 51292. (a) (1) A parent or guardian of a pupil may excuse the
 35 pupil from all or part of the instruction required by this article
 36 through a passive consent (“opt-out”) process.
 37 (2) A local educational agency shall not permit a pupil to
 38 participate in the instruction required by this article if the local
 39 educational agency has received a written request from the pupil’s
 40 parent or guardian excusing the pupil from participation.

1 ~~(3) A local educational agency shall make an alternative~~
2 ~~educational activity available to a pupil excused from the~~
3 ~~instruction required by this article.~~

4 ~~(4) A local educational agency shall not subject a pupil excused~~
5 ~~from the instruction required by this chapter to disciplinary action,~~
6 ~~academic penalty, or other sanction as a result of having been~~
7 ~~excused.~~

8 ~~(b) A local educational agency shall not require active parental~~
9 ~~consent (“opt-in”) for participation in the instruction required by~~
10 ~~this chapter.~~

11 ~~SEC. 3. If the Commission on State Mandates determines that~~
12 ~~this act contains costs mandated by the state, reimbursement to~~
13 ~~local agencies and school districts for those costs shall be made~~
14 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
15 ~~4 of Title 2 of the Government Code.~~