

AMENDED IN ASSEMBLY AUGUST 14, 2023

AMENDED IN SENATE APRIL 20, 2023

AMENDED IN SENATE APRIL 11, 2023

SENATE BILL

No. 509

Introduced by Senator Portantino

(Coauthor: Senator Roth)

(Coauthors: Assembly Members Jackson, Lackey, *Lee*, Mathis, and Waldron)

February 14, 2023

An act to amend Sections 49428.15 and ~~51925~~ of ~~51210~~ of, and to add Section 49428.3 to, the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Portantino. School employee and pupil training: youth mental and behavioral health: mental health education.

(1) Existing law, subject to an appropriation, requires the State Department of Education to recommend best practices and identify training programs for use by local educational agencies *that serve pupils in any of grades 7 to 12, inclusive*, to address youth behavioral health, on or before January 1, 2023, as provided. Existing law requires the department to ensure that each identified training program, among other requirements, provides instruction on recognizing the signs and symptoms of youth behavioral health disorders, including common psychiatric conditions and substance use disorders, ~~and on how school staff can best provide referrals to youth behavioral health services or other support to individuals in the early stages of developing a youth behavioral health disorder.~~ *disorders*.

This bill would delete the term “common” ~~from the specific examples included in the above-described training requirement of youth behavioral health disorders. The~~ and replace “use” with “abuse” for purposes of that instruction requirement. The bill would, subject to an appropriation, require the department to, on or before January 1, 2025, recommend best practices and identify training programs for use by local educational agencies serving pupils in kindergarten or any of grades 1 to 6, inclusive, to address youth behavioral health for those pupils, as provided. The bill would require, on or before July 1, 2027, local educational agencies serving pupils in any of grades 7 to 12, inclusive, to certify to the department that ~~75%~~ 40% of each of its classified employees and 100% of its certificated employees, who serve and have direct contact with pupils in any of grades 7 to 12, inclusive, at school, have received ~~that the above-described~~ youth behavioral health training, as specified. The bill would prohibit the training in youth behavioral health to be a condition of employment or hiring. By imposing training certification duties on local educational agencies, the bill would impose a state-mandated local program.

~~(2) Existing law requires, if a school district, county office of education, state special school, or charter school offers one or more courses in health education to pupils in middle school or high school, that the course or courses include instruction in mental health that meet certain requirements, including, among others, defining signs and symptoms of common mental health challenges and the ability to identify warning signs of common mental health problems, as specified.~~

~~This bill instead would require a school district, county office of education, state special school, or charter school to ensure that all pupils in grades 1 to 12, inclusive, receive evidence-based, age-appropriate mental health education from instructors trained in the appropriate courses at least once in elementary school, at least once in junior high school or middle school, as applicable, and at least once in high school, as provided. The bill would delete the term “common” from the above-described requirements. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program. The bill also would make legislative findings and declarations related to the benefits of mental health education for those pupils.~~

~~(2) Existing law requires the adopted course of study for grades 1 to 6, inclusive, to include certain areas of study, including, among others, English, mathematics, social sciences, science, visual and performing arts, and health, as specified. With respect to the study of~~

health, existing law requires instruction in the principles and practices of individual, family, and community health.

This bill would require that health area of study for grades 1 to 6, inclusive, to also include instruction on mental health. To the extent that this requirement would impose new duties on local educational agencies, it would constitute 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.

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

3 (1) Mental health is critical to overall health, well-being, and
4 academic success.

5 (2) Mental health challenges affect all age groups, races,
6 ethnicities, and socioeconomic classes.

7 (3) Millions of Californians, including at least one in five youths,
8 live with mental health challenges. Millions more are affected by
9 the mental health challenges of someone else, such as a close friend
10 or family member.

11 (4) Mental health education is one of the best ways to increase
12 awareness and the seeking of help, while reducing the stigma
13 associated with mental health challenges. The public education
14 system is the most efficient and effective setting for providing this
15 education to all youth.

16 (b) For the foregoing reasons, it is the intent of the Legislature
17 in enacting this measure to ensure that all California pupils in
18 grades 1 to 12, inclusive, have the opportunity to benefit from a
19 comprehensive mental health education.

20 SEC. 2. Section 49428.15 of the Education Code is amended
21 to read:

1 49428.15. (a) For purposes of this section, *except as otherwise*
2 *specified*, the following definitions apply:

3 (1) “Evidence-based” means peer-reviewed, scientific research
4 evidence, including studies based on research methodologies that
5 control threats to both the internal and the external validity of the
6 research findings.

7 (2) “Evidence-informed” means using research that is already
8 available and has been tested for efficacy and effectiveness. This
9 evidence is then combined with the experiences and expertise of
10 the training program developers to best fit the population intended
11 to be served.

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

15 (4) “Youth behavioral health disorders” means pupil mental
16 health and substance use disorders.

17 (5) “Youth behavioral health training” means training addressing
18 the signs and symptoms of a pupil mental health or substance use
19 disorder.

20 (b) The department shall, on or before January 1, 2023,
21 recommend best practices, and identify evidence-based and
22 evidence-informed training programs for schools to address youth
23 behavioral health, including, but not necessarily limited to, staff
24 and pupil training.

25 (c) In identifying one or more evidence-based or
26 evidence-informed youth behavioral health training programs for
27 use by local educational agencies to train school staff or pupils
28 pursuant to subdivision (b), the department shall ensure that each
29 training program meets all of the following requirements:

30 (1) Provides instruction on recognizing the signs and symptoms
31 of youth behavioral health disorders, including psychiatric
32 conditions and substance abuse disorders such as opioid and
33 alcohol abuse.

34 (2) Provides instruction on how school staff can best provide
35 referrals to youth behavioral health services or other support to
36 individuals in the early stages of developing a youth behavioral
37 health disorder.

38 (3) Provides instruction on how to maintain pupil privacy and
39 confidentiality in a manner consistent with federal and state privacy
40 laws.

1 (4) Provides instruction on the safe deescalation of crisis
2 situations involving individuals with a youth behavioral health
3 disorder.

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

6 (6) Is administered by a nationally recognized training authority
7 in youth behavioral health disorders or by a local educational
8 agency.

9 (7) (A) Includes in-person and virtual training with certified
10 instructors who can recommend resources available in the
11 community for individuals with a youth behavioral health disorder.

12 (B) For purposes of this paragraph, “certified instructors” means
13 individuals who obtain or have obtained a certification to provide
14 the selected youth behavioral health training.

15 ~~(d) Subject to subdivision (e), on or before July 1, 2027, a local~~
16 ~~educational agency shall certify to the department that 75 percent~~
17 ~~of its classified employees and 75 percent of its certificated~~
18 ~~employees having direct contact with pupils at each school have~~
19 ~~received the youth behavioral health training described in~~
20 ~~subdivision (e) in accordance with all of the following:~~

21 ~~(1) Except as provided in paragraph (2), the youth behavioral~~
22 ~~health training is provided to classified and certificated employees~~
23 ~~during regularly scheduled work hours.~~

24 ~~(2) If a classified or certificated employee receives the youth~~
25 ~~behavioral health training in a manner other than through an~~
26 ~~in-service training program provided by the local educational~~
27 ~~agency, the employee may present a certificate of successful~~
28 ~~completion of the training to the local educational agency for~~
29 ~~purposes of satisfying the requirements of this subdivision.~~

30 ~~(3) The youth behavioral health training shall not be a condition~~
31 ~~of employment or hiring for classified or certificated employees.~~

32 ~~(e) A local educational agency may exclude a licensed mental~~
33 ~~health professional who holds a pupil personnel service credential~~
34 ~~from the youth behavioral health training required by this section.~~

35 ~~(f) Notwithstanding paragraph (6) of subdivision (e), a local~~
36 ~~educational agency may meet the requirements of this section by~~
37 ~~having a school employee of the local educational agency who~~
38 ~~holds a pupil personnel service credential provide the youth~~
39 ~~behavioral health training to the school employees of the local~~
40 ~~educational agency, if the training program is identified by the~~

1 department on a list pursuant to subdivision (c). School employees
2 who provide the youth behavioral health training to other school
3 employees are required to complete any training requirements
4 necessary, as established by the training program identified, to
5 provide training to other school employees.

6 (d) (1) The department shall, on or before January 1, 2025,
7 recommend best practices, and identify evidence-based and
8 evidence-informed training programs for schools to address youth
9 behavioral health, including, but not necessarily limited to, staff
10 and pupil training, for pupils in kindergarten or any of grades 1
11 to 6, inclusive.

12 (2) In identifying one or more evidence-based or
13 evidence-informed youth behavioral health training programs for
14 use by local educational agencies to train school staff or pupils
15 pursuant to subdivision (b), the department shall ensure that each
16 training program meets all of the requirements of subdivision (c)
17 of this section, as applicable to training programs to address youth
18 behavioral health for pupils in kindergarten and grades 1 to 6,
19 inclusive.

20 (3) For purposes of this subdivision, “local educational agency”
21 means a county office of education, school district, state special
22 school, or charter school that serves pupils in kindergarten or any
23 of grades 1 to 6, inclusive.

24 (g)
25 (e) This section shall be implemented only to the extent that an
26 appropriation is made in the annual Budget Act or another statute
27 for these purposes.

28 SEC. 3. Section 49428.3 is added to the Education Code, to
29 read:

30 49428.3. (a) For purposes of this section, the following
31 definitions apply:

32 (1) “Evidence-based” means peer-reviewed, scientific research
33 evidence, including studies based on research methodologies that
34 control threats to both the internal and the external validity of the
35 research findings.

36 (2) “Evidence-informed” means using research that is already
37 available and has been tested for efficacy and effectiveness. This
38 evidence is then combined with the experiences and expertise of
39 the training program developers to best fit the population intended
40 to be served.

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

4 (4) “Youth behavioral health disorders” means pupil mental
5 health and substance use disorders.

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

9 (b) Subject to subdivision (c), on or before July 1, 2027, a local
10 educational agency shall certify to the department that 100 percent
11 of its certificated employees and 40 percent of its classified staff,
12 who have direct contact with pupils in any of grades 7 to 12, have
13 received the youth behavioral health training described in
14 subdivision (c) of Section 49428.15, in accordance with all of the
15 following:

16 (1) Except as provided in paragraph (2), the youth behavioral
17 health training is provided to classified and certificated employees
18 during regularly scheduled work hours.

19 (2) If a classified or certificated employee receives the youth
20 behavioral health training in a manner other than through an
21 in-service training program provided by the local educational
22 agency, the employee may present a certificate of successful
23 completion of the training to the local educational agency for
24 purposes of satisfying the requirements of this subdivision.

25 (3) The youth behavioral health training shall not be a condition
26 of employment or hiring for classified or certificated employees.

27 (c) A local educational agency may exclude a licensed mental
28 health professional who holds a pupil personnel services credential
29 from the youth behavioral health training required by this section.

30 (d) Notwithstanding paragraph (6) of subdivision (c) of Section
31 49428.15, a local educational agency may meet the requirements
32 of this section by having a school employee of the local educational
33 agency who holds a pupil personnel services credential provide
34 the youth behavioral health training to the school employees of
35 the local educational agency, if the training program is identified
36 by the department on a list pursuant to subdivision (c) of Section
37 49428.15. School employees who provide the youth behavioral
38 health training to other school employees are required to complete
39 any training requirements necessary, as established by the training
40 program identified, to provide training to other school employees.

1 ~~SEC. 3. Section 51925 of the Education Code is amended to~~
2 ~~read:~~

3 ~~51925. Each school district, county office of education, state~~
4 ~~special school, and charter school shall ensure that all pupils in~~
5 ~~grades 1 to 12, inclusive, receive evidence-based, age-appropriate~~
6 ~~mental health education from instructors trained in the appropriate~~
7 ~~courses at least once in elementary school, at least once in junior~~
8 ~~high school or middle school, as applicable, and at least once in~~
9 ~~high school. This instruction shall include all of the following:~~

10 ~~(a) Reasonably designed instruction on the overarching themes~~
11 ~~and core principles of mental health.~~

12 ~~(b) Defining signs and symptoms of mental health challenges.~~
13 ~~Depending on pupil age and developmental level, this may include~~
14 ~~defining conditions such as depression, suicidal thoughts and~~
15 ~~behaviors, schizophrenia, bipolar disorder, eating disorders, and~~
16 ~~anxiety, including post-traumatic stress disorder.~~

17 ~~(c) Elucidating the evidence-based services and supports that~~
18 ~~effectively help individuals manage mental health challenges.~~

19 ~~(d) Promoting mental health wellness and protective factors,~~
20 ~~which includes positive development, social and cultural~~
21 ~~connectedness and supportive relationships, resiliency, problem~~
22 ~~solving skills, coping skills, self-esteem, and a positive school and~~
23 ~~home environment in which pupils feel comfortable.~~

24 ~~(e) The ability to identify warning signs of mental health~~
25 ~~problems in order to promote awareness and early intervention so~~
26 ~~that pupils know to take action before a situation turns into a crisis.~~
27 ~~This shall include instruction on both of the following:~~

28 ~~(1) How to seek and find assistance from professionals and~~
29 ~~services within the school district that includes, but is not limited~~
30 ~~to, school counselors with a pupil personnel services credential,~~
31 ~~school psychologists, and school social workers, and in the~~
32 ~~community for themselves or others.~~

33 ~~(2) Evidence-based and culturally responsive practices that are~~
34 ~~proven to help overcome mental health challenges.~~

35 ~~(f) The connection and importance of mental health to overall~~
36 ~~health and academic success and to co-occurring conditions, such~~
37 ~~as chronic physical conditions, chemical dependence, and substance~~
38 ~~abuse.~~

39 ~~(g) Awareness and appreciation about the prevalence of mental~~
40 ~~health challenges across all populations, races, ethnicities, and~~

1 socioeconomic statuses, including the impact of race, ethnicity,
2 and culture on the experience and treatment of mental health
3 challenges.

4 (h) ~~Stigma surrounding mental health challenges and what can~~
5 ~~be done to overcome stigma, increase awareness, and promote~~
6 ~~acceptance. This shall include, to the extent possible, classroom~~
7 ~~presentations of narratives by trained peers and other individuals~~
8 ~~who have experienced mental health challenges and how they~~
9 ~~coped with their situations, including how they sought help and~~
10 ~~acceptance.~~

11 *SEC. 4. Section 51210 of the Education Code is amended to*
12 *read:*

13 51210. (a) The adopted course of study for grades 1 to 6,
14 inclusive, shall include instruction, beginning in grade 1 and
15 continuing through grade 6, in the following areas of study:

16 (1) English, including knowledge of, and appreciation for
17 literature and the language, as well as the skills of speaking,
18 reading, listening, spelling, handwriting, and composition.

19 (2) Mathematics, including concepts, operational skills, and
20 problem solving.

21 (3) Social sciences, drawing upon the disciplines of
22 anthropology, economics, geography, history, political science,
23 psychology, and sociology, designed to fit the maturity of the
24 pupils. Instruction shall provide a foundation for understanding
25 the history, resources, development, and government of California
26 and the United States of America; the development of the American
27 economic system, including the role of the entrepreneur and labor;
28 the relations of persons to their human and natural environment;
29 eastern and western cultures and civilizations; contemporary issues;
30 and the wise use of natural resources.

31 (4) Science, including the biological and physical aspects, with
32 emphasis on the processes of experimental inquiry and on the place
33 of humans in ecological systems.

34 (5) Visual and performing arts, including instruction in the
35 subjects of dance, music, theatre, and visual arts, aimed at the
36 development of aesthetic appreciation and the skills of creative
37 expression.

38 (6) Health, including instruction in the principles and practices
39 of individual, family, and community ~~health.~~ *health, and including*
40 *instruction on mental health.*

1 (7) Physical education, with emphasis upon the physical
2 activities for the pupils that may be conducive to health and vigor
3 of body and mind, for a total period of time of not less than 200
4 minutes each 10 schooldays, exclusive of recesses and the lunch
5 period.

6 (8) Other studies that may be prescribed by the governing board.

7 (b) (1) A complaint that a school district or county
8 superintendent of schools has not complied with the instructional
9 minute requirements of paragraph (7) of subdivision (a) may be
10 filed with a school district or county superintendent of schools
11 pursuant to the Uniform Complaint Procedures set forth in Chapter
12 5.1 (commencing with Section 4600) of Division 1 of Title 5 of
13 the California Code of Regulations.

14 (2) A complainant not satisfied with the decision of a school
15 district or county superintendent of schools may appeal the decision
16 to the department pursuant to Chapter 5.1 (commencing with
17 Section 4600) of Division 1 of Title 5 of the California Code of
18 Regulations and shall receive a written appeal decision within 60
19 days of the department's receipt of the appeal.

20 (3) If a school district or county superintendent of schools finds
21 merit in a complaint, or the Superintendent finds merit in an appeal,
22 the school district or county superintendent of schools shall provide
23 a remedy to all affected pupils, parents, and guardians.

24 (c) The Legislature finds and declares that neither the original
25 provisions of this section, nor any subsequent amendments to it,
26 were intended to create a private right of action. However, nothing
27 in this subdivision shall restrict or expand the existing right of any
28 party to seek relief from noncompliance with this section pursuant
29 to a writ of mandate.

30 ~~SEC. 4.~~

31 *SEC. 5.* If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.