

Introduced by Senator Portantino
(Principal coauthor: Assembly Member Low)

December 7, 2020

An act to amend Section 48205 of, and to add Sections 49428.1 and 49428.2 to, the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

SB 14, as introduced, 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 as another type of required excused absence an absence that is for the benefit of the mental or behavioral health of the pupil. 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

evidence-based training program for a local educational agency to use to train classified and certificated school employees having direct contact with pupils on youth mental and 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 certificated employees having direct contact with pupils at each schoolsite, or at least 2 classified and at least 2 certificated employees having direct contact with pupils at each schoolsite, whichever is greater, have received the youth mental and 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 evidence-based mental and behavioral health training program with a curriculum tailored for pupils in grades 10 to 12, inclusive, for use by a local educational agency, as defined, that meets 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 mental and 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.

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. 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:

- 1 (1) Due to the pupil’s illness.
- 2 (2) Due to quarantine under the direction of a county or city
3 health officer.
- 4 (3) For the purpose of having medical, dental, optometrical, or
5 chiropractic services rendered.
- 6 (4) For the purpose of attending the funeral services of a member
7 of the pupil’s immediate family, so long as the absence is not more
8 than one day if the service is conducted in California and not more
9 than three days if the service is conducted outside California.
- 10 (5) For the purpose of jury duty in the manner provided for by
11 law.
- 12 (6) Due to the illness or medical appointment during school
13 hours of a child of whom the pupil is the custodial parent, including
14 absences to care for a sick child for which the school shall not
15 require a note from a doctor.
- 16 (7) For justifiable personal reasons, including, but not limited
17 to, an appearance in court, attendance at a funeral service,
18 observance of a holiday or ceremony of the pupil’s religion,
19 attendance at religious retreats, attendance at an employment
20 conference, or attendance at an educational conference on the
21 legislative or judicial process offered by a nonprofit organization
22 when the pupil’s absence is requested in writing by the parent or
23 guardian and approved by the principal or a designated
24 representative pursuant to uniform standards established by the
25 governing ~~board~~ *board of the school district*.
- 26 (8) For the purpose of serving as a member of a precinct board
27 for an election pursuant to Section 12302 of the Elections Code.
- 28 (9) For the purpose of spending time with a member of the
29 pupil’s immediate family who is an active duty member of the
30 uniformed services, as defined in Section 49701, and has been
31 called to duty for, is on leave from, or has immediately returned
32 from, deployment to a combat zone or combat support position.
33 Absences granted pursuant to this paragraph shall be granted for
34 a period of time to be determined at the discretion of the
35 superintendent of the school district.
- 36 (10) For the purpose of attending the pupil’s naturalization
37 ceremony to become a United States citizen.
- 38 (11) *For the benefit of the mental or behavioral health of the*
39 *pupil.*
- 40 ~~(11)~~

1 (12) Authorized at the discretion of a school administrator, as
2 described in subdivision (c) of Section 48260.

3 (b) A pupil absent from school under this section shall be
4 allowed to complete all assignments and tests missed during the
5 absence that can be reasonably provided and, upon satisfactory
6 completion within a reasonable period of time, shall be given full
7 credit therefor. The teacher of the class from which a pupil is absent
8 shall determine which tests and assignments shall be reasonably
9 equivalent to, but not necessarily identical to, the tests and
10 assignments that the pupil missed during the absence.

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

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

16 (e) “Immediate family,” as used in this section, means the parent
17 or guardian, brother or sister, grandparent, or any other relative
18 living in the household of the pupil.

19 SEC. 2. Section 49428.1 is added to the Education Code, to
20 read:

21 49428.1. (a) The department shall identify an evidence-based
22 training program for a local educational agency to use to train
23 classified and certificated school employees having direct contact
24 with pupils in youth mental and behavioral health.

25 (b) In identifying an evidence-based training program pursuant
26 to subdivision (a), the department shall ensure that the training
27 program meets all of the following requirements:

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

29 (2) Provides instruction on recognizing the signs and symptoms
30 of mental illness and substance use disorders, including common
31 psychiatric conditions such as schizophrenia, bipolar disorder,
32 major clinical depression, anxiety disorders, and common substance
33 use disorders such as opioid and alcohol abuse.

34 (3) Provides instruction on how school staff can best provide
35 referrals to mental health services, substance use disorder services,
36 or other support to individuals in the early stages of developing a
37 mental illness or substance use disorder.

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

1 (5) Provides instruction on the safe deescalation of crisis
2 situations involving individuals with a mental illness.

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

5 (7) Is administered by a nationally recognized nonprofit training
6 authority in mental illness and substance use disorders.

7 (8) (A) Includes in-person and virtual training with certified
8 instructors who can recommend resources available in the
9 community for individuals with a mental illness or substance use
10 disorder.

11 (B) For purposes of this paragraph, “certified instructors” means
12 individuals who obtain or have obtained a certification to provide
13 the selected training in mental illness and substance use disorders
14 by a nationally recognized authority in behavioral health training
15 programs.

16 (c) (1) A local educational agency shall provide the youth
17 mental and behavioral health training identified pursuant to
18 subdivision (a) to certificated and classified employees during
19 regularly scheduled work hours.

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

27 (3) Training in youth mental and behavioral health shall not be
28 a condition of employment or hiring for classified or certificated
29 employees.

30 (d) On or before January 1, 2023, a local educational agency
31 shall certify to the department that at least 50 percent of its
32 certificated employees having direct contact with pupils at each
33 school, or at least two classified and at least two certificated
34 employees having direct contact with pupils at each school,
35 whichever is greater, have received the youth mental and behavioral
36 health training identified pursuant to subdivision (a).

37 (e) For purposes of this section, “local educational agency”
38 means a county office of education, school district, state special
39 school, or charter school that serves pupils in any of grades 7 to
40 12, inclusive.

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

4 SEC. 3. Section 49428.2 is added to the Education Code, to
5 read:

6 49428.2. (a) The department shall identify an evidence-based
7 mental and behavioral health training program with a curriculum
8 tailored for pupils in grades 10 to 12, inclusive, for use by local
9 educational agencies, that meets all of the following requirements:

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

11 (2) Provides developmentally appropriate instruction and skill
12 building on the signs and symptoms of mental health disorders,
13 the prevention of mental health disorders, and mental health
14 awareness and assistance.

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

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

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

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

31 (7) Includes training with certified instructors who can
32 recommend resources available in the community for individuals
33 with a mental illness or substance use disorder.

34 (b) On or before January 1, 2023, a local educational agency
35 shall report to the department the number of pupils who have
36 voluntarily completed the mental and behavioral health training
37 program.

38 (c) For purposes of this section, “local educational agency”
39 means a county office of education, school district, state special

1 school, or charter school that serves pupils in any of grades 10 to
2 12, inclusive.

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

6 SEC. 4. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.