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.~~ *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 evidence-based training program 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 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 evidence-based 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 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: ~~majority~~ *2/3*. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

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

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

(1) Due to the pupil's illness, including an absence for the benefit of the pupil's mental or behavioral health. The state board shall 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 paragraph.

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

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

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

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

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

(7) For justifiable personal reasons, including, but not limited to, an appearance in court, attendance at a funeral service, observance of a holiday or ceremony of the pupil's religion, attendance at a religious retreat, attendance at an employment conference, or attendance at an educational conference on the legislative or judicial process offered by a nonprofit organization,

when the pupil's absence is requested in writing by the parent or guardian and approved by the principal or a designated representative pursuant to uniform standards established by the governing board of the school district.

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

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

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

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

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

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

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

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

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

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

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

(2) "Youth behavioral health disorders" means pupil mental health and substance use disorders.

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

(b) The department shall 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 in youth behavioral health.

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

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

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

(3) Provides instruction 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.

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

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

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

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

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

(B) For purposes of this paragraph, "certified instructors" means individuals who obtain or have obtained a certification to provide

the selected youth behavioral health training by a nationally recognized authority in behavioral health training programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because of the COVID-19 pandemic and its impact on children's mental health, it is necessary that this act take effect immediately.

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