

Date of Hearing: August 23, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

SB 509 (Portantino) – As Amended August 14, 2023

Policy Committee: Education

Vote: 6 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires a portion of school employees to receive training on youth behavioral health and requires instruction in mental health for students in grades one to six.

Specifically, this bill:

- 1) Requires, by July 1, 2027, a local educational agency (LEA) serving students in grades seven to 12 to certify to the California Department of Education (CDE) that 40% of its classified employees and 100% of its certificates employees who serve and have direct contact with these students have received youth behavioral health training identified by the CDE. The training is to be scheduled during regularly scheduled work hours, except in certain situations.
- 2) Requires instruction to students in grades one to six to include content on mental health.
- 3) Requires CDE, by January 1, 2025, and subject to appropriation, to recommend best practices and identify training programs for school employees to address youth behavioral health for use by LEAs serving students in kindergarten to grade six.

FISCAL EFFECT:

- 1) Ongoing General Fund costs to CDE through the 2026-27 fiscal year, in the hundreds of thousands of dollars annually, to certify that school employees have completed the required training and recommend training programs. CDE also indicates it will provide technical assistance to LEAs to comply with the bill's requirements.
- 2) One-time Proposition 98 General Fund costs to LEAs of an unknown but significant amount, potentially in the tens of millions of dollars or more, to ensure a portion of their school employees have received youth behavioral health training. Costs include training costs to LEAs and the cost of employee time to complete the training during work hours. CDE currently offers a no-cost training program, as described in comment 2, however, it is unlikely the program could keep pace with demand created by this bill, absent a budget allocation or charging of fees to LEAs. In addition, schools would need to provide the training during work hours. This may require substitute teachers or other personnel be hired during the times a school employee completes the training. CDE's no-cost training mentioned above takes 7.5 hours to complete. These costs would be borne by LEAs before the requirement takes effect July 1, 2027. Costs would be lower to the extent school

employees already have completed an eligible training. The state has over 130,000 certificated employees teaching grades seven to 12 and more than 250,000 classified employees. The average cost of a substitute teacher for one day is between \$200 and \$300.

- 3) Ongoing costs of an unknown amount to LEAs to modify instruction to students in grades one to six ensure content on mental health. The state has 800 schools serving over 2.5 million students in grades one to six.

If the Commission on State Mandates determines these requirements to be a reimbursable state mandate, the state would need to reimburse these costs to LEAs or provide funding through the K-12 Mandate Block Grant.

COMMENTS:

- 1) **Purpose.** According to the author:

Education about mental health is one of the best ways to increase awareness, empower students to seek help, and reduce the stigma associated with mental health challenges. Schools are ideally positioned to be centers of mental health education, healing, and support. As children and youth spend more daytime hours at school than at home, the public education system is the most efficient and effective setting for providing universal mental health education to children and youth.

- 2) **Background.** Current law requires CDE to recommend best practices and identify evidence-based and evidence-informed training programs for school employees and students that address youth behavioral health by January 1, 2023, for use by LEAs that serve students in grades seven to 12.

CDE identified the Youth Mental Health First Aid (YMHFA) training as an evidence-based and evidence-informed training program and offers the virtual training to LEA employees statewide free of charge. The training is 7.5 hours in total, (two hours of self-paced learning and 5.5 hours of instructor-led training). According to CDE, funding for the program is provided by Anthem Blue Shield. Space in the training program is limited and the number of trainings CDE is able to offer in a year is dependent on the amount of funding it receives annually. According to the CDE, in addition to the YMHFA training, there are additional evidence-based or evidence-informed programs. CDE is currently partnering with the group Wellness Together to build a suite of evidence-informed trainings for middle and high school employees, students, and families.

This bill requires LEAs to ensure a portion of school employees are trained using one of these evidence-based and evidence-informed programs. The bill also requires CDE to recommend best practices and identify evidence-based and evidence-informed training programs for school employees and students to address youth behavioral health for use by LEAs serving students in kindergarten to grade six.

Current law requires the adopted course of study for grades one to six to include areas of study including English, math, science, and health. Health instruction is to include content on

individual, family, and community health. This bill adds instruction in mental health to this list.

Current law requires each school that offers one or more courses in health education to students in middle school or high school to include in those courses instruction in mental health.

3) **Opposition.** According to the California Teachers Association (CTA), who oppose this bill:

CTA is opposed to the training mandate and suggests it be replaced with a “grant” program administered by the California Department of Education (CDE) funded by an appropriation to CDE. LEAs, in consultation with impacted collective bargaining representatives, could apply to CDE for funding to conduct youth behavioral health training based on “model” pupil behavioral health referral protocols developed by CDE as a result of AB 309 (Chpt. 662-2021) along with best practices and evidence-based and informed training programs addressing youth behavioral health as a result of SB 14 (Chpt. 672-2021) or local training programs developed by LEAs.

All employee youth behavioral health training, regardless of the frequency, length, and/or the specificity of the topics to be covered, must be collectively bargained at the local level.

4) **Prior Legislation.** SB 224 (Portantino), Chapter 675, Statutes of 2022, requires schools that offer courses in health education to students in middle school or high school to include in those courses instruction in mental health that meets specified requirements, and requires CDE, by January 1, 2024, to develop a plan to increase mental health instruction in public schools.

SB 387 (Portantino), of the 2021-22 Legislative Session, would have required an LEA, on or before January 1, 2025, to certify to CDE that 75% of its classified and certificated employees who have direct contact with students at each school have received youth behavioral health training. This bill was held in the Assembly Education Committee.

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