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# SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

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**Bill No:** SB 428 **Hearing Date:** April 10, 2019  
**Author:** Pan & Portantino  
**Version:** February 21, 2019  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Ian Johnson

**Subject:** Teachers: youth mental health first aid.

**NOTE:** This bill has been referred to the Committees on Education and Judiciary. A "do pass" motion should include referral to the Committee on Judiciary.

## SUMMARY

This bill would add completion of a course in youth mental health first aid to the list of requirements for obtaining a clear multiple or single subject teaching credential.

## BACKGROUND

Existing law:

- 1) Requires the Commission on Teacher Credentialing (CTC) to establish professional standards, assessments, and examinations for entry and advancement in the education profession.
- 2) Establishes the following requirements for obtaining a preliminary teaching credential:
  - a) Possession of a baccalaureate degree from a regionally accredited institution in a subject other than professional education.
  - b) Completion of an accredited program of professional preparation, and either successful passage of an examination or assessment, as specified.
- 3) Establishes the following requirements for upgrading a preliminary teaching credential to a clear teaching credential:
  - a) Completion of a program of beginning teacher induction, as specified.
  - b) Experience that includes the application of knowledge and skills previously acquired in a preliminary credential program.
- 4) Requires the Superintendent of Public Instruction (SPI) to send a notice to each middle school, junior high school, and high school that encourages each school to provide suicide prevention training to each school counselor at least one time while employed as a counselor, provides information on the availability of the suicide prevention training curriculum developed by the SPI, and informs schools

about the suicide prevention training provided by the department and describes how a school might retain those services.

- 5) Requires the governing board of any local education agency that serves pupils in grades seven to twelve, inclusive, to adopt a policy on pupil suicide prevention, intervention, and postvention. The policy shall specifically address the needs of high-risk groups, including suicide awareness and prevention training for teachers, and ensure that a school employee acts within the authorization and scope of the employee's credential or license.

## ANALYSIS

This bill would:

- 1) Add completion of a course in youth mental health first aid to the list of requirements for obtaining a clear multiple or single subject teaching credential.
- 2) Allow a teacher to provide youth mental health first aid to pupils.
- 3) Specify that a teacher shall not be held liable for any civil damages as a result of any act or omission by the teacher in providing youth mental health first aid to pupils.

## STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "California is in the midst of a youth mental health crisis. Depression symptoms are at an all-time high for high school students. According to the U.S. Department of Health and Human Services, nearly 1 in 3 California high school students surveyed reported feeling sad or hopeless almost every day for two or more weeks in a row. Nearly 1 in 5 reported that they have seriously considered attempting suicide. Teachers are on the frontlines of these crises and as such should be trained to identify and help students who are suffering. Research shows that the sooner people get help for mental health and substance use concerns, the more likely they are to have positive outcomes.

Youth Mental Health First Aid (YMHFA) is an eight hour training that teaches individuals how to identify, understand, and respond to signs or risk factors of mental illness and substance use disorders. The course is specifically designed to equip family members, educators, and caregivers with the skills and confidence needed to provide support to adolescents (ages 12-18). The course can also be tailored to meet the cultural and linguistic needs of diverse audiences. YMHFA has been shown to broaden knowledge of mental illnesses and addictions, while increasing the likelihood of a trained individual helping someone in distress.

SB 428 will require new teachers to be trained in YMHFA but would prohibit a teacher who provides YMHFA from being held liable for any civil damages as a result of providing it."

- 2) ***Increasing concern about the mental health of young people.*** Suicides among 15 to 24-year olds climbed steadily between 2007 and 2015, jumping from just under seven suicides per 100,000 youth, to almost eight per 100,000 during that time, according to Kidsdata.org.

A report by the California Health Care Foundation found that one in eight teens suffered a major depressive episode during the 2014-15 school year, up from one in 11 in 2011-12. Substance use is another problem, with almost half of California students reporting alcohol use by 11<sup>th</sup> grade, and close to 40 percent using marijuana, the report indicated.

Mental illness is the top reason California kids end up in the hospital, ahead of asthma, bronchitis and pneumonia, according to the 2018 California Children's Report Card produced by Children Now. The report also found that a majority of children with mental and emotional health problems do not receive counseling despite their need.

- 3) ***What is youth mental health first aid?*** Youth mental health first aid is a course designed (and trademarked) by the National Council for Behavioral Health, a 501(c)(3) association that advocates for policies that ensure people who have mental health and substance use disorders have access to comprehensive, evidence-based health care services. The eight-hour course teaches individuals how to identify, understand, and respond to signs of mental illnesses and substance use disorders.

As part of the course, individuals learn about depression and mood disorders, anxiety disorders, trauma, psychosis, and substance use disorders. For each of these, the course teaches how to: (1) assess for risk of suicide or harm, (2) listen nonjudgmentally, (3) give reassurance and information, (4) encourage appropriate professional help, and (5) encourage self-help and other support strategies. Participants are given the opportunity to practice—through role play, scenarios, and activities—with the goal of improved application in a real-life situation.

In January 2016, the California Department of Education (CDE) announced the opportunity for staff at county offices of education, school districts, and charter schools to receive this training for free. The trainings are available through funding administered by CDE and provided by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration through June 2019. In response to this opportunity, more than 5,000 school employees have been trained at over 100 local educational agencies statewide.

- 4) ***Existing mental health services in schools.*** Mental health services in schools include a broad range of services, settings, and strategies. Mental health services that are provided in schools may include academic counseling, brief interventions to address behavior problems, assessments and referrals to other systems. Providing mental health services in a school-based setting helps address barriers to learning and allows for early intervention activities in a non-stigmatizing environment.

As mentioned above, the governing board of any local education agency (LEA) that serves pupils in grades seven to twelve, inclusive, must adopt a policy on pupil suicide prevention, intervention, and postvention. The policy shall specifically address the needs of high-risk groups, including suicide awareness and prevention training for teachers, and ensure that a school employee acts within the authorization and scope of the employee's credential or license.

- 5) ***Previous mental health workgroup recommendations.*** The former Superintendent of Public Instruction (SPI), Tom Torlakson, convened a Student Mental Health Policy Workgroup, with funding from the California Mental Health Services Authority (CalMHSA), with the goals of assessing the current mental health needs of California students and gathering evidence to support its policy recommendations to the SPI and to the California Legislature. The Workgroup issued several recommendations. Among them, the Workgroup recommends that:
  - a) Appropriate credentialing programs (starting with multiple/single-subject and administrative services credentials) include mental health and wellness curricula with information about mental health conditions and how they manifest at school.
  - b) All LEAs provide professional development to educators and other community members, so they can identify mental health issues as they arise, especially during adolescence.
  
- 6) ***Teacher shortage.*** The Learning Policy Institute (LPI) recently released a report, "Addressing California's Emerging Teacher Shortage: An Analysis of Sources and Solutions." In this report, the LPI included the following summary: "After many years of teacher layoffs in California, school districts around the state are hiring again. With the influx of new K-12 funding, districts are looking to lower student-teacher ratios and reinstate classes and programs that were reduced or eliminated during the Great Recession. However, mounting evidence indicates that teacher supply has not kept pace with the increased demand." The report included the following findings:
  - a) Enrollment in educator preparation programs has dropped by more than 70 percent over the last decade.
  - b) In 2014-15, provisional and short-term permits nearly tripled from the number issued two years earlier, growing from about 850 to more than 2,400.
  - c) The number of teachers hired on substandard permits and credentials nearly doubled in the last two years, to more than 7,700 comprising a third of all the new credentials issued in 2014-15.
  - d) Estimated teacher hires for the 2015-16 school year increased by 25 percent from the previous year while enrollment in the University of California and the California State University teacher education programs increased by only about 3.8 percent.

- 7) **Concerns with the bill as currently drafted.** While the goal of ensuring that as many teachers as possible are equipped to assist with students' mental health challenges, the approach of this bill as currently drafted is not ideal. First, while "youth mental health first aid" is a trademarked program, it is not defined in statute nor has the author made the case that this particular program should be endorsed by the state over other courses that may be of equal value to school personnel and students. Second, placing the onus of obtaining this training on new teachers could exacerbate existing teacher workforce challenges and makes the dissemination of these mental health skills dependent on teacher attrition. Third, classified employees also have direct contact with children and should not be excluded from the trainings. To address these issues, staff recommends that the bill be amended to:
- a) Require the California Department of Education (CDE) to identify an evidence-based training program for local educational agencies to train classified and certificated staff having direct contact with children on youth mental health first aid.
  - b) In identifying a training program, require CDE to ensure the program meets all of the following:
    - i) Is a peer-reviewed evidence-based program.
    - ii) Provides instruction on recognizing the signs and symptoms of mental illness and substance use disorders, including common psychiatric conditions such as schizophrenia, bipolar disorder, major clinical depression, and anxiety disorders and common substance use disorders such as opioids and alcohol.
    - iii) Instructs school staff on how to best provide referrals to mental health, substance use disorder services, or other support to individuals in the early stages of developing a mental illness or substance use disorder.
    - iv) Ensures the safe de-escalation of crisis situations involving individuals with a mental illness.
    - v) Can assess trainee knowledge before and after training is provided in order to measure training outcomes.
    - vi) Is administered by a nationally recognized non-profit training authority in mental illness and substance use disorders.
    - vii) Includes in-person training with certified instructors who can recommend resources available in the community for individuals with a mental illness or substance use disorder.
      - a) "Certified instructors" refers to individuals who obtain or have obtained a certification to provide the selected training in

mental illness and substance use disorders by a nationally recognized authority in behavioral health training programs.

- c) Require CDE, subject to funds being appropriated for this purpose, to disseminate the training program to local educational agencies (LEAs) at no cost.
  - d) Require all LEAs, by January 1, 2023, to certify to California Department of Education (CDE) that at least ten percent of classified and certificated staff having direct contact with children at each school site or two classified and two certificated staff having direct contact with children at each school site, whichever is greater, have obtained the training.
  - e) Define "LEA" to mean a county office of education, school district, state special school, or charter school serving pupils in grades 7 to 12, inclusive.
- 8) **Author amendment.** The author wishes to amend this bill by striking the provision specifying that a teacher shall not be held liable for any civil damages as a result of any act or omission by the teacher in providing youth mental health first aid to pupils. Staff concurs with this amendment.

## SUPPORT

Born This Way Foundation  
 California Academy of Child and Adolescent Psychiatry  
 California Association of Private School Organizations  
 California Catholic Conference  
 California Council of Community Behavioral Health Agencies  
 California State PTA  
 Children Now  
 Disability Rights California  
 Hathaway-Sycamores  
 Lincoln  
 National Council for Behavioral Health  
 Plumas County Office of Education  
 Plumas Unified School District  
 Racial and Ethnic Mental Health Disparities Coalition  
 Steinberg Institute

## OPPOSITION

California Teachers Association

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