

HOUSE BILL REPORT

2SHB 1377

As Passed Legislature

Title: An act relating to improving students' mental health by enhancing nonacademic professional services.

Brief Description: Improving students' mental health by enhancing nonacademic professional services.

Sponsors: House Committee on Education (originally sponsored by Representatives Ortiz-Self, Stonier, Santos, Lovick, Gregerson, Peterson, Ryu, Appleton, Fitzgibbon, Goodman, Bergquist and Doglio).

Brief History:

Committee Activity:

Education: 2/2/17, 2/9/17 [DPS], 1/9/18, 1/11/18 [DP2S];

Appropriations: 1/31/18, 2/6/18 [DP2S(ED)].

Floor Activity:

Passed House: 3/7/17, 57-40.

Passed House: 2/9/18, 64-34.

Senate Amended.

Passed Senate: 2/28/18, 43-3.

House Concurred.

Passed House: 3/5/18, 64-34.

Passed Legislature.

Brief Summary of Second Substitute Bill

- Specifies the roles and duties of school counselors, social workers, and psychologists.
- Requires first-class school districts to provide a minimum of six hours of professional collaboration time per year for school counselors, social workers, and psychologists that focuses on recognizing signs of emotional or behavioral distress in students, beginning in the 2019-20 school year.
- Establishes the Professional Collaboration Lighthouse Grant Program, through August 1, 2020, to assist school districts with early adoption and implementation of mental health professional collaboration time, subject to funding by the Legislature.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 16 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Stokesbary and Valdez.

Minority Report: Do not pass. Signed by 3 members: Representatives Hargrove, Steele and Volz.

Staff: Megan Wargacki (786-7194).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill by Committee on Education be substituted therefor and the second substitute bill do pass. Signed by 23 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Stokesbary, Assistant Ranking Minority Member; Bergquist, Caldier, Cody, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 10 members: Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Buys, Condotta, Manweller, Schmick, Taylor, Vick, Volz and Wilcox.

Staff: Jordan Clarke (786-7123).

Background:

School counselors, social workers, and psychologists are certificated instructional staff (CIS), often collectively referred to as educational staff associates (ESAs). As it does for other CIS, the Professional Educator Standards Board (PESB) establishes the policies and practices for the approval of programs of courses, requirements, and other activities leading to certification, establishes policies and practices for the approval of the character of work required to be performed as a condition of entrance to, and graduation from, any ESA preparation program, and establishes a list of accredited institutions of higher education whose graduates may be awarded ESA certificates.

Neither the term "school social worker" nor "school psychologist" is defined in the school code. "School counselor" was defined in statute in 2007 as a professional educator who holds a valid school counselor certification, with a purpose and role to plan, organize, and deliver a comprehensive school guidance and counseling program that personalizes education and supports, promotes, and enhances the academic, personal, social, and career development of all students, based on the National Standards for School Counseling Programs of the American School Counselor Association.

Legislation adopted in 2013 (Engrossed Substitute House Bill (ESHB) 1336, enacted as Chapter 197, Laws of 2013) highlighted the mental health needs of students and put new certification and training requirements in place. School counselors, psychologists, social workers, and nurses must complete a training program of at least three hours in youth suicide screening and referral as a condition of certification by the PESB. The training requirement applies to ESA certificates issued or renewed on or after July 1, 2015.

In addition, the 2013 legislation included the following requirements:

- Subject to funding by the Legislature, the Department of Social and Health Services (DSHS) must provide funds for mental health first-aid training targeted at teachers and educational staff. The DSHS must collaborate with the Office of the Superintendent of Public Instruction (OSPI) to identify methods of instruction that leverage local resources in order to make the training broadly available.
- Beginning in the 2014-15 school year, each school district must adopt a plan for recognition, initial screening, and response to emotional or behavioral distress in students, and annually provide the plan to all district staff.
- The OSPI must convene a task force to identify best practices, model programs, and successful strategies for school districts to develop partnerships with community agencies to coordinate and improve support for youth in need.

Summary of Second Substitute Bill:

Roles and Duties of School Counselors, Social Workers, and Psychologists.

The school counselor works with developing and leading a comprehensive guidance and counseling program to focus on the academic, career, personal, and social needs of all students. School psychologists carry out special education evaluation duties, among other duties. School social workers promote and support students' health, academic, and social success with counseling and support, and by providing and coordinating specialized services and resources.

All of these professionals are also involved in multitiered systems of support for academic and behavioral skills. These professionals focus on student mental health, working with at-risk and marginalized students, performing risk assessments, and collaborating with mental health professionals to promote student achievement and create a safe learning atmosphere. In order that ESAs have the time available to prioritize these functions, in addition to other activities requiring direct student contact, responsibilities such as data input and data tracking should be handled by nonlicensed, noncertified staff, where possible.

A school psychologist is a professional educator who holds a valid school psychologist certification as defined by the PESB. Pursuant to the National Association of School Psychologists' Model for Comprehensive and Integrated School Psychological Services, school psychologists deliver services across 10 domains of practice:

- two domains permeate all areas of service delivery: data-based decision making; and consultation and collaboration;
- five domains encompass direct and indirect services to children and their families: student-level services, interventions, and instructional supports to develop academic skills; student-level interventions and mental health services to develop social and life skills; systems-level school-wide practices to promote learning; systems-level

- preventive and responsive services; and systems-level family school collaboration services; and
- three domains are foundational: knowledge and skills related to diversity in development and learning; research and program evaluation; and legal and ethical practice.

A school social worker is a professional in the fields of social work and education who holds a valid school social worker certification as defined by the PESB. The purpose and role of the school social worker is to provide an integral link between school, home, and community in helping students achieve academic and social success. This is accomplished by removing barriers and providing services that include: mental health and academic counseling; support for students and parents; crisis prevention and intervention; professional case management; collaboration with other professionals, organizations, and community agencies; and advocacy for students and parents. School social workers work directly with school administrators as well as students and families at various levels and as part of an interdisciplinary team in the educational system, including at the building, district, and state level. School social workers provide leadership and professional expertise regarding the formation of school discipline policies and procedures, and through school-based mental health services, crisis management, the implementation of social-emotional learning, and other support services that impact student academic and social-emotional success. School social workers also facilitate community involvement in the schools while advocating for student success.

Professional Collaboration.

Within existing resources, beginning in the 2019-20 school year, first-class school districts must provide a minimum of six hours of professional collaboration per year. For school counselors, social workers, and psychologists, the collaboration must focus on recognizing signs of emotional or behavioral distress in students, including indicators of possible substance abuse, violence, and youth suicide; screening; accessing current resources; and making appropriate referrals. As deemed appropriate and allowed by their building administrators, teachers may also participate in the collaboration. It is preferable if the collaboration occurs in person. Second-class districts may provide this collaboration time.

School districts with mental health centers in their area must collaborate with local licensed mental health service providers. Districts without mental health service providers in their area must collaborate by phone or other remote means that allow for dialogue and discussion. By collaborating with local providers in this manner, the ESAs get to collaborate in short but regular segments in their own schools or near school district facilities, and school districts are not put in a position that they must obtain substitutes or otherwise expend additional funds. This local connection will also help foster a connection between school personnel and the mental health professionals in the community. School personnel may make referrals, in line with the legislative intent expressed throughout ESHB 1336, to form partnerships with qualified health, mental health, and social services agencies in the community, and to coordinate and improve support for youth in need and the directive to the DSHS with respect to the provision of funds for mental health first-aid training targeted at teachers and educational staff.

Professional Collaboration Lighthouse Grant Program.

The Professional Collaboration Lighthouse Grant Program is established, subject to the appropriation of specific funds by the Legislature, to assist school districts with early adoption and implementation of mental health professional collaboration time. The Superintendent of Public Instruction (SPI) must designate at least two districts as lighthouse school districts to serve as resources and examples of best practices in designing and operating a professional collaboration program for ESAs and local licensed mental health service providers. The program must focus on recognizing signs of emotional or behavioral distress in students.

The SPI must award grants to each lighthouse district and at least four districts (a mix of rural and urban or suburban) wishing to implement mental health professional collaboration time in the 2018-19 school year. Grant funds may be used for providing technical assistance to districts implementing a professional collaboration program; designing and implementing a professional collaboration program; developing approaches for accessing resources external to a school district; collaborating with local licensed mental health service providers; identifying successful methods of communicating with students and parents; conducting site visits; and providing supplemental materials.

The provisions establishing the Professional Collaborative Lighthouse Grant Program expire on August 1, 2020.

Immunity.

The act does not create any civil liability on the part of the state or any state agency, officer, employee, agent, political subdivision, or school district.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Education):

(In support) Mental health clinicians stay up to date on best practices on topics, such as suicide awareness, substance abuse, trauma and other issues, in order to meet the needs of high-risk kids in the communities. In general, school counselors are not provided professional development to update them on best practices, even though they are often the first person in contact with students in need. Some districts provide professional development annually, but this is not enough. Many school staff, particularly in rural communities, do not have access to professional collaboration with local mental health clinician. There must be ongoing collaboration and professional development in order to keep school counselors, psychologists and social workers up to date on these issues. The professional collaboration can be done within the existing resources of the OSPI.

Clarifying the priority and duties of those in school mental health positions is important, especially in a time when youth suicide is high. This is a time of crisis, and schools need to be as prepared as possible.

If the Legislature provides the funding, there will be lighthouse districts in Eastern Washington and Western Washington to help figure out the professional collaboration time requirement.

The federal government says that there should be one school counselor for every 250 students. Many schools in Washington have a much higher ratio, such as 1:600 or 1:800. The task force will look at the need in the state for these school mental health positions, the capacity of preparation programs, whether there are people in the pipeline, and future needs.

Mental health and social emotional learning (SEL) are increasingly becoming issues in our schools. The state will not make progress on these issues unless there are more mental health professionals in the school system. The first step is recognizing these staff positions as a professional in statute, and this bill does that. These professionals also need the professional development and resources to maintain bridges between the community and the school, in order to have an effective system. The budget cuts that happened during the recession to the mental health system, including the school system, have not been restored.

When children have unmet mental health needs, they have difficulty learning. Staff in schools are uniquely placed to identify mental health issues and intervene early. If these issues are not identified and addressed early, the cost to the state to identify and help people with mental health issues increases because adults are likely taking advantage of more expensive systems, such as emergency rooms, prisons, and state hospitals. This bill is essential to helping students learn and grow up to be productive adults who can manage their own mental state without the more expensive systems.

School counselors would like professional development on mental health. Collaboration is important to help schools make the best use of their resources to address SEL in a tiered student support system that is sustainable.

With about 20 percent of students living with a mental health condition, it is imperative that school counselors develop the skills needed to support these students, their families, and their teachers. School counselors need planned time with mental health colleagues to allow them to better support students, reduce dropout rates, and provide teachers and staff with strategies that result in effective, tiered interventions. The barriers to collaboration with those in the mental health system should be addressed; it can be difficult to get mental health professionals to meet with school professionals because the time is not reimbursable.

Having a full mental health team in every school is a reality of today. Some schools have created an integrated service team to meet the health needs of every student. It is vitally important to provide time within the existing school day for these professionals to collaborate to better meet the needs of students. Setting up a conference call with other mental health professionals in the community can support the work of the schools and provide continuity of care for the students. Unfortunately, some schools cannot hire mental health professionals either because there is a shortage or because they do not have the funds.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The mental health needs of children are underserved. Eighty middle and high school students commit suicide each year. Addressing mental health and supporting social emotional learning are increasingly important. There are few research-based solutions to the current mental health crisis, but one key to increasing children's access to mental health services is offering the services in schools. The recommended ratio of educational staff associates (ESAs) to students is 1:500 or 1:700. In many schools, the ratio is 1:1,000 or more. Some school districts do not even staff any ESAs.

Defining the roles of ESAs in schools allows for better use of the mental health team. School counselors, social workers, and psychologists need to collaborate with mental health practitioners. Collaboration time around universal screenings and appropriate referrals is important. The ESAs need support so they can do their jobs effectively. This bill will save the state money in the future because providing mental health supports to children reduces the social supports needed for the same people when they become adults.

(Opposed) None.

Persons Testifying (Education): Representative Ortiz-Self, prime sponsor; Bob Cooper, National Association of Social Workers - Washington Chapter; Melanie Smith, National Alliance of Mental Illness - Washington; Danise Ackelson, Office of the Superintendent of Public Instruction; Amy Brackenbury, Washington School Counselors Association; and Lucinda Young, Washington Education Association.

Persons Testifying (Appropriations): Representative Ortiz-Self, prime sponsor; Bob Cooper, National Association of Social Workers Washington Chapter; Melanie Smith, National Alliance of Mental Illness Washington; Danise Ackelson, Office of the Superintendent of Public Instruction; Amy Brackenbury, Washington School Counselors Association; and Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying (Education): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.