

# HOUSE BILL REPORT

## HB 1377

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### As Reported by House Committee On: Education

**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:** 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].

#### **Brief Summary of Substitute Bill**

- Specifies the roles and duties of school counselors, school social workers, and school psychologists.
- Requires, beginning in the 2018-19 school year, 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.
- Establishes the Professional Collaboration Lighthouse Grant Program to assist school districts with early adoption and implementation of mental health professional collaboration time, subject to funding by the Legislature.
- Directs the Professional Educator Standards Board to convene a task force on the need for school counselors, psychologists, and social workers, the capacity of the state to meet the need, and the preparation of these professionals.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice

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*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.*

Chair; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Johnson, Kilduff, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Springer and Stokesbary.

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

**Minority Report:** Without recommendation. Signed by 1 member: Representative Harris, Ranking Minority Member.

**Staff:** Megan Wargacki (786-7194).

**Background:**

School counselors, school social workers, and school psychologists are certificated instructional staff (CIS), often collectively referred to as educational staff associates (ESA). 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 (i.e. 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. Content standards for the training are adopted by the PESB in consultation with the Office of the Superintendent of Public Instruction (OSPI) and the Department of Health. The PESB must consider training programs on the best practices registry of the American Foundation for Suicide Prevention and the Suicide Prevention Resource Center. The training requirement applies to ESA certificates issued or renewed on or after July 1, 2015.

In addition, the 2013 legislation also included the following requirements:

- The PESB must incorporate into the required course on issues of abuse, the knowledge and skill standards for recognition, initial screening, and response to emotional or behavioral distress in students, including indicators of possible substance abuse, violence, and youth suicide. To be initially certified after August 31, 2014, educators must complete the expanded course.

- Each educational service district must develop and maintain the capacity to offer training on youth suicide screening and referral, and on recognition, initial screening, and response to emotional or behavioral distress in students. The training can be offered on a fee-for-service basis or at no cost if funds are available.
- 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 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.

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### **Summary of 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 things. 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 school counselors, social workers, and psychologists 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 2018-19 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. 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 to whom 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 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 funding 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 two

districts as lighthouse school districts to serve as resources and examples of best practices in designing and operating a professional collaboration program for school counselors, school social workers, school psychologists, 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 the two lighthouse districts and at least four districts (a mix of rural and urban or suburban) wishing to implement mental health professional collaboration time in the 2017-18 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.

Task Force on School Counselors, Psychologists, and Social Workers. The PESB must convene a 10-member task force on school counselors, psychologists, and social workers. The task force must review the following issue and report its findings and recommendations to the Legislature, the PESB, the SPI, and the Governor by December 1, 2017:

- the projected need of school districts for school counselors, psychologists, and social workers;
- the current capacity of the state for meeting this need;
- alternative certification routes for school counselors and school social workers; and
- school counselor, psychologist, and social worker preparation programs to determine whether professionals completing these programs have the proper preparation to respond to the mental health and safety needs of students, and to provide students with necessary social and emotional supports.

The members of the task force are to be appointed as follows:

- the President of the Senate must appoint one member from the Early Learning and K-12 Education Committee, and the Speaker of the House of Representatives must appoint one member from the Education Committee, each from different political parties;
- the Governor must appoint one member representing school counselor, psychologist, and social worker preparation programs;
- the SPI must appoint one member representing the OSPI;
- the PESB must appoint one member representing the PESB;
- the PESB must appoint one member each from associations representing school counselors, school psychologists, school social workers, educators, and principals, with appointments made from lists of candidates provided by the associations.

The PESB must provide staff support for the task force.

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.

### **Substitute Bill Compared to Original Bill:**

The professional collaboration requirement is changed from one hour per month to six hours per year. Focusing 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 is no longer listed as the primary role of ESAs.

Nonsubstantive changes are made related to clarifying that the social workers and psychologists referred to in the substitute bill work within schools; relocating a provision describing activities of school counselors, social workers, and psychologists; and refining grammar.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Mental health staff should have time to collaborate with other professionals in the community. Staff often work in silos. School counselors, social workers, and psychologists are the ones who have time to address students' mental health needs and are the point people for all the horrific things that happen in schools.

Students' unmet mental health needs pose significant barriers to academic achievement, and in the long run graduating from high school ready for college or a career. The ESAs are the most qualified professionals who work in the school setting to be able to recognize and respond to these needs. It is good to define and clarify the role of the school social worker and the other roles. In order to provide wrap around support for students with mental health needs, there needs to be collaboration between school professionals and community-based organizations. Collaboration between service providers will result in comprehensive care that addresses the whole child. The task force will help with the state response to social, emotional, and mental health needs of students. The work of the task force will influence the criteria for ESA certification to ensure that ESAs have the skills and knowledge necessary to support the most at-risk and marginalized students.

School counselors and social workers like this bill. They like the opportunity to work collaboratively with colleagues. It is good for stakeholders to understand roles of ESAs, who are critical to the design and implementation of multitiered levels of support. It might be good to refine the language around the primary role of school counselor to represent their multi-faceted work within a comprehensive school counseling program and school-wide support systems. Counselors provide information and in-service support to teachers.

The OSPI supports the intent of the bill and thinks there is a great need to assist students with their mental health needs. The OSPI has some concerns related to the funding of the monthly

professional collaboration time, such as billable hours and release time for the ESAs. The state needs to develop integrated, tiered student support systems for mental health services. It is important to do this work with an understanding of other state mental health initiatives and align the work with initiatives proposed or currently happening in schools.

School-based mental health programs work best when the school and community mental health agency are partners. Requiring ESAs to collaborate with community mental health providers, who are supported by an entire mental health organization, will foster more consistent and meaningful community partnerships and ensure that students are receiving the best health care possible.

(Opposed) None.

**Persons Testifying:** Representative Ortiz-Self, prime sponsor; Erin Romanuk, Washington Association of School Social Workers; Jenny Morgan, and Mike Hatchett, Washington Council for Behavioral Health; and Danise Ackelson, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying:** None.