

LFC Requester:	Ellen Rabin
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**AGENCY BILL ANALYSIS
2019 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date 2/20/19
Bill No: HB615

Sponsor: Rep. Raymundo Lara
 Rep. Willie D. Madrid
Short Title: MENTAL HEALTH TRAINING
 FOR EDUCATION STAFF

Agency Name and Code
Number: PED-924
Person Writing Daniel Manzano
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unquantifiable	Unquantifiable	Unquantifiable	Unquantifiable	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Relates to: Senate Bill 370, House Bill 238, and House Bill 591
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 615 (HB615) enacts a new section of the School Personnel Act requiring annual training for all public education personnel, including volunteers, in various aspects of mental health such as programs and activities related to mental health, eating disorders, suicide prevention, behavioral health disorders, safe techniques to de-escalate crisis situations, identification of signs and symptoms of early stages of mental illness and behavioral health issues, and the use of evidence-based practices and program elements. HB615 also requires a training “substantially similar” to that of school personnel, be provided to student’s families. The Public Education Department (PED) shall consult with the Department of Health (DOH), the Children, Youth, and Families Department (CYFD), and the Human Services Department (HSD) to develop course materials that address the training content as required by HB615. HB615 provides for “no private right of action.”

FISCAL IMPLICATIONS

HB615 does not appropriate funding for the newly required training, however, there would be significant fiscal implications for the PED and local public schools. The development of materials as outlined by HB615 would require the time and effort of a new or existing PED staff member with specific expertise in the defined areas of mental health. This position may not currently exist within the department. At the school level, it would require new or existing staff to implement the annual training for all school personnel including “ancillary staff, instructional support providers, and volunteers.” This will require school districts and charter schools to pay additional salary for staff paid hourly wages, such as cooks, bus drivers and janitors, to attend professional development and represents a significant, though unquantifiable financial responsibility.

In addition to school personnel, HB615 also requires similar training be provided to all students’ families in the suggested form of classes, workshops, seminars, or community health events. Each of these forms of training would likely have associated direct and/or indirect costs.

SIGNIFICANT ISSUES

The training requirement does not address a required amount of time or material to be covered, which may lead to disparities in the amount of training provided across the state, as some schools may devote a work day to the training and others as little as five minutes.

Mental health education is important for our communities. The Centers for Disease Control and Prevention’s (CDC) Whole School, Whole Community, Whole Child (WSCC) model identifies several areas of a child’s life that promote overall well-being. Social and emotional climate and family engagement are two components identified in the WSCC model that relate to the

initiatives identified in HB615. The training required in HB615 would involve teaching staff and volunteers about early identification of social, emotional, and behavioral problems or substance use disorders. It would also require the teaching of techniques and supports to help identify children with histories of trauma and at high risk for mental illness, as well as the use of a referral process to link them and their families to appropriate treatment in the school and community. By providing school staff with training in various aspects of mental health, there is likely to be more awareness and sensitivity towards students' emotional wellness and therefore a more positive social and emotional climate.

Source: <https://www.cdc.gov/healthyouth/wscs/model.htm>

The training outlined in HB615 would also require schools to address strategies that promote a "schoolwide positive environment" and the "social, emotional, mental and behavioral health of all students." State requirements are currently in place that promote a schoolwide positive environment and overall student wellbeing. Public school districts and state charters are required to submit an annual wellness policy to the PED which addresses components of the Coordinated School Health Model (New Mexico's version of the WSCC model). The requirements for the wellness policy are outlined in 6.12.6 New Mexico Administrative Code (NMAC), and state the policy shall include "a plan addressing the behavioral health needs of all students in the educational process by focusing on students' social and emotional wellbeing." Also required by 6.12.6 NMAC is a site specific school safety plan. Ensuring student safety is adequately addressed also helps promote a "schoolwide positive environment" and the "social, emotional, mental and behavioral health of all students." Some requirements identified in HB615 may be a duplication of current efforts.

Source: <http://164.64.110.134/parts/title06/06.012.0006.html>

Family engagement is another component of the WSCC model that relates to the content in HB615. HB615 requires public schools to "regularly" provide opportunities for the students' families to receive training regarding various aspects of mental health. "Regularly" is not defined with a specific frequency within HB615. Although education regarding mental health may be useful for the community at large, it may prove burdensome for public schools to provide regular training regarding mental health to both personnel and the community. Another concern is whether or not the schools have adequate mental health experts available to provide this type of training on a regular basis.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

The development of materials as outlined by HB615 would require the time and effort of a new or existing PED staff member with specific expertise in the defined areas of mental health. This position may not currently exist within the department. The PED staff responsible for the requirements of HB615 would need to engage the identified stakeholders (DOH, CYFD, and HSD) and collaborate to develop the course materials as required by HB615.

At the school level, it would require new or existing staff to implement the annual training for all school personnel including "ancillary staff, instructional support providers, and volunteers." School personnel and volunteers would need to be available for additional hours of professional development related to the mental health training required by HB615. In addition to school personnel, HB615 also requires similar training be provided to all students' families in the suggested form of classes, workshops, seminars, or community health events. Each of these

forms of training would require event coordination and some level of administrative burden.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to: Senate Bill 370, House Bill 238, and House Bill 591

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Schools will continue to train staff on mental health as determined by district or school professional development plans. Current state requirements regarding students' social and emotional wellbeing, will continue.

AMENDMENTS

None