

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 918 (Smith) – As Introduced February 20, 2019

SUBJECT: Local educational agencies: mental health professionals

SUMMARY: Requires the California Department of Education (CDE) to develop and submit recommendations to the Legislature and Governor to develop a system through which qualified mental health professionals employed by local educational agencies (LEAs) throughout the state could be rapidly deployed on a short- or long-term basis to an area of the state that has experienced a natural disaster or other traumatic event, in order to provide support to pupils and staff. Specifically, **this bill:**

- 1) Finds and declares:
 - a) Following natural disasters and human-caused traumatic events, such as the destructive California wildfires of 2017 and 2018, there is a tremendous need for mental health professionals to be available to support pupils and staff impacted by these events.
 - b) Most school communities currently do not employ an adequate number of mental health professionals necessary to support pupil and staff recovery from large-scale traumatic events.
- 2) Requires the CDE, by November 1, 2020, in coordination with other relevant state and local agencies, to develop and submit recommendations to the Legislature and the Governor to develop a system through which qualified mental health professionals employed by LEAs throughout the state that could be rapidly deployed on a short- or long-term basis to an area that has experienced a natural disaster or other traumatic event, in order to provide support to pupils and staff. In the development of the recommendations for this system of sharing mental health professionals, requires the CDE to consider, at a minimum, all of the following:
 - a) The cost of creating and maintaining the system described in this subdivision.
 - b) The criteria required by an LEA to request the use of mental health professionals employed by another LEA.
 - c) Potential reimbursement between LEAs.
 - d) Reimbursement for travel expenses incurred by mental health professionals.
 - e) Similar or analogous programs established by other state or local agencies.
 - f) Other relevant state agencies identified for potential consultation and collaboration.
- 3) Defines “local educational agency” as a school district, county office of education, or charter school for the purposes of this section.

4) Repeals this section on January 1, 2024.

EXISTING LAW:

- 1) Establishes the California Emergency Services Act, which recognizes the state’s responsibility to mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. (Government Code 8550-8551)
- 2) Requires the Superintendent of Public Instruction (SPI), for apportionment purposes, to credit to a LEA a material loss of average daily attendance (ADA) due to the following reasons, provided the loss has been established to the satisfaction of the SPI by affidavits of the members of the governing board or body of the LEA:
 - a) Fire
 - b) Flood
 - c) Impassable roads
 - d) Epidemic
 - e) Earthquake
 - f) The imminence of a major safety hazard as determined by the local law enforcement agency
 - g) A strike involving transportation services to pupils provided by a non-school entity
- 3) In the event of a state of emergency declared by the Governor in a county, requires the SPI to determine the length of the period during which ADA has been reduced by the state of emergency, and prohibits the SPI from extending the period into the next fiscal year except upon a showing by a LEA, to the satisfaction of the SPI, that extending the period into the next fiscal year is essential to alleviate continued reductions in ADA attributable to the state of emergency.
- 4) Requires the SPI to extend through the 2018-19 fiscal year the period during which it is essential to alleviate continued reductions in ADA attributable to a state of emergency declared by the Governor in October 2017, for a school district where no less than 5 percent of the residences within the school district or school district facilities were destroyed by the qualifying emergency.

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, “As a former school board member, I understand the need for key personnel to be available immediately following a natural disaster or other significant event. Students who have lived through emergencies need our help to work through their trauma so they may return to being engaged in an academic program.”

Although the impact to students is great, school personnel are also impacted by these incidents. In order to best serve their students, school leaders may require behavioral and mental health supports targeted to their unique needs and roles in the school community.

Unfortunately, wildfires and other natural disasters are the new normal in our state. It is my goal that with the passage of this bill and the recommendations developed by the California Department of Education, schools will have greater access to existing personnel resources to recover from these traumatic events.”

The Increasing Frequency of Natural Disasters in California. According to the Governor’s Office of Emergency Services (Cal OES), the Governor proclaimed 16 State of Emergencies in 2018. Of those proclaimed emergencies, the President issued 3 Major Disaster Declarations. Wildfires, in particular, have been more prevalent and destructive than ever before.

The Camp Fire. The Camp Fire, which began on November 18, 2018, in Butte County was the deadliest and most destructive wildfire in California history to date. It was also the deadliest wildfire in the United States since 1918. The Camp Fire burned 153,336 acres of land (almost 240 square miles) and destroyed the town of Paradise, which had a population of 27,000, within the first six hours of the fire. The fire claimed nearly three times as many lives and structures as any other wildfire in California’s history. According to a November 21, 2018, report by the *Redding Record*, when the fire was 95 percent contained it had destroyed 13,631 residences, 275 multifamily residences, 514 commercial buildings. Additional reports stated that 4,404 barn sheds were also destroyed. At least eighty-five deaths have been confirmed, and some are still missing. The total monetary damage was \$16.5 billion. The fire reached 100-percent containment after seventeen days on November 25, 2018.

The burned region was considered uninhabitable and a public health risk due to exposure to hazardous materials remaining from the Camp Fire. The Camp Fire cleanup is currently the largest hazardous material cleanup in California’s history. Due to the evacuations, one hundred-percent of the student population meets the definition of homeless under federal law and are considered homeless for the duration of the school year. In addition to the impact to students, 260 of 400 district staff members lost their homes and another 60 were displaced by the fires. Students and school staff alike have suffered trauma from the fires and their ongoing impact.

Supporting the mental and behavioral health of students and school staff impacted by the Camp Fire. Immediately following the outbreak of the Camp Fire, the CDE worked closely with school leaders in Butte County to coordinate the deployment of over 100 school mental and behavioral health professionals from around the state to support and meet the needs of students and school staff. Mental and behavioral health professionals responded to a call from the CDE and other local agencies to serve for a few days or weeks, in most cases on a volunteer basis, the communities impacted by the Camp Fire. This was the first effort of its kind, and was by all accounts successful, but could be improved upon by establishing protocols for this type of large scale school personnel mobilization. It also raised questions about the use of this kind of deployment in future disasters: wildfires, earthquakes, floods or active threat incidents.

Examples of other state and local government systems equipped to provide emergency support. The California Mutual Aid System is an extension of the concept of “neighbor helping neighbor.” Both local agreements and statewide coordination assist with providing additional, specialized personnel necessary for mitigating the effects of disasters, whether natural or man-

caused. Some examples of existing mutual aid plans, which are an extension of and supportive document to, California's State Emergency Plan, include: The California Law Enforcement Mutual Aid Plan (which includes The Coroners' Mutual Aid & Mass Fatality Management Planning Program), The California Fire Service and Rescue Emergency Mutual Aid Plan, and The California Medical Mutual Aid Plan.

Each mutual aid plan is unique, but most involve agreements between local governments to provide key personnel during or after natural disasters, or other man-caused events. Often, local governments first work with neighboring jurisdictions and when that capacity is exhausted, reach out to a regional structure, which in turn reaches out to the state, as necessary. Mutual aid agreements plans may or may not include reimbursement for staff time or travel expenditures.

There are over 1,000 school districts in California. Establishing local agreements between school districts, county offices of education and charter schools for this type of purpose likely will not yield the greatest administrative efficiencies or effectiveness. However, there are elements of the existing mutual aid plans that may inform a future plan for public schools.

Emergency Proclamations and Levels of Disaster Assistance. State and federal statute detail several processes for the proclamation or declaration of an emergency. Each proclamation and declaration type provides a different level of disaster assistance from local, state and federal agencies which primarily serve to support cities and counties. For context, the Governor requested and on November 12, 2018, California was granted a Presidential Declaration of a Major Disaster for Butte, Los Angeles and Ventura Counties related to the impacts of the Camp, Hill and Woolsey Fires.

- **Local Emergency Proclamations:** Pursuant to Government Code section 8558, if a local government determines that the effects of an emergency are beyond the capability of local resources to mitigate effectively, the local government must proclaim a local emergency. This proclamation, in part, serves as a prerequisite for requesting a Governor's Proclamation of a State of Emergency and/or President Declaration of an Emergency or Major Disaster.
- **Director's Concurrence:** The California Disaster Assistance Act authorizes the director of the Governor's Office of Emergency Services (Cal OES), at his/her discretion, to provide financial assistance to repair and restore damaged public facilities and infrastructure.
- **Governor's Proclamation:** The Governor, on behalf of the impacted local government, may proclaim an emergency as authorized by the powers authorized by the Emergency Services Act. This proclamation authorizes the Cal OES Director to provide financial relief for emergency actions and restoration of public facilities and infrastructure; prerequisite when requesting federal declaration of a major disaster or emergency.
- **Presidential Declaration of an Emergency:** The Governor, on behalf of the impacted local government, may request this declaration which supports response activities of the federal, state and local government. It also authorizes federal agencies to provide "essential" assistance including debris removal, temporary housing and the distribution of medicine, food and other consumable supplies.

- **Presidential Declaration of a Major Disaster:** The Governor, on behalf of the impacted local government, may request this declaration which supports response activities of the federal, state and local government. The Presidential Declaration of a Major Disaster goes beyond the Presidential Declaration of an Emergency and authorizes the implementation of some or all federal recovery programs including individual assistance and hazard mitigation. It helps people in the impacted areas through eligibility for support including crisis counseling, housing and unemployment assistance and legal services. It also provides public assistance to help state, tribal and local governments with ongoing emergency response and recovery, including the repair and replacement of disaster-damaged facilities and infrastructure, including roads, bridges and utilities.

Federal Emergency Management Agency (FEMA) Crisis Counseling Program (CCP). The FEMA implements the CCP as a supplemental assistance program available to the United States and its Territories. The Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 authorizes FEMA to fund mental health assistance and training activities in areas which have been Presidentially declared a disaster. The mission of the CCP is to assist individuals and communities in recovering from the effects of natural and human-caused disasters through the provision of community-based outreach and psycho-educational services. The CCP supports short-term interventions that involve the counseling goals of assisting disaster survivors in understanding their current situation and reactions, mitigating stress, assisting survivors in reviewing their disaster recovery options, promoting the use or development of coping strategies, providing emotional support, and encouraging linkages with other individuals and agencies who may help survivors in their recovery process (recover to their pre-disaster level of functioning).

The CCP is typically implemented through a partnership between FEMA, Cal OES and impacted counties. The CDE and other relevant state and local agencies may wish to explore how schools impacted by a future Presidentially declared disaster may be included in the program by working closely with county governments.

School Safety Plans. All California public schools kindergarten and grades one through twelve must develop a comprehensive school safety plan which include, but are not limited to: child abuse reporting procedures, disaster procedures, earthquake emergency procedures and procedures to allow a public agency to use school buildings, grounds, and equipment for mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

Recommended amendment. *Staff recommend that the bill be amended to* include other key school personnel. Although mental and behavioral health professionals are critical to the response and recovery efforts of a school community, other staff including: administrators, chief business officials, and facilities personnel may be useful to include in the scope of the CDE's recommendations.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

None on file.

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