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## AB 309 & SB 224: Addressing Student Mental Health in The Wake of COVID-19

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**Written by:**

Sarah Garcia  
Partner  
San Luis Obispo

Kaitlyn M. Tucker  
Associate  
Sacramento

Amid growing concern regarding the impact of the COVID-19 pandemic on students' mental health, legislation was introduced in both the California State Senate and Assembly to provide for increased school-based mental health services. Assembly Bill (AB) 309 and Senate Bill (SB) 224 were signed by the Governor on October 8, 2021, requiring the creation of model referral protocols and the addition of mental health instruction in California schools.

### Background

Schools often serve as de facto mental health systems for children and young adults. AB 209 and SB 224 will expand access to mental health services by creating model referral protocols and requiring students to receive instruction in mental health. In support of this legislation, it was noted that teachers are often the first to notice changes in student behavior indicative of mental health issues, yet many teachers report feeling ill-equipped to address these challenges.

### AB 309

AB 309 is intended to provide guidance to educators regarding a number of student mental health issues. The legislation requires the California Department of Education (CDE), in consultation with the State Department of Health Care Services (DHCS), to develop model mental health referral protocols for use by schools across California to address appropriate and timely referrals by school staff. These protocols will be designed for voluntary use by school sites, school districts, county offices of education, charter schools, teachers, and administrator preparation programs.

AB 309 also requires that the CDE consult with both the DHCS and at least one member of each of the following groups during development of the protocols: current high school students, parents of current elementary school students, parents of current middle or high school students, and education and mental health experts.

The legislation is contingent upon funds being appropriated for its purpose in the annual Budget Act or other legislation, or state, federal, or private funds being allocated for this purpose.

## SB 224

SB 224 requires that the CDE develop a plan, by January 1, 2024, to expand mental health instruction in public schools.

SB 224 also requires each school district, county office of education, state special school, and charter school, that offers one or more courses in health education in middle or high school, to include instruction in mental health in such courses. Mental health instruction must cover the core principles of mental health, including defining the signs and symptoms of common mental health challenges, identifying evidence-based services, promoting mental health wellness, and the ability to identify warning signs of common mental health problems. The bill further requires instruction and related materials used in mental health instruction to be appropriate for pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, English learners, and students with disabilities.

## Takeaways

AB 309 and SB 224 trigger the development of referral protocols which should ultimately assist educators in navigating mental health issues among their students and will add mental health instruction to health education curricula.

Notably, the CDE will also be developing a set of mental and behavioral health training programs for educators and pupils, required under SB 14. [See 2021 Client News Brief Number 34.](#)

If you have questions about this legislation or need more information regarding educationally provided mental health services, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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