

Senate Health and Human Services Committee

Cameron Lapine 271-2104

SB 265-FN-A, making an appropriation for the multi-tiered system of support for children's mental health.

Hearing Date: February 16, 2023

Time Opened: 10:33 a.m.

Time Closed: 11:46 a.m.

Members of the Committee Present: Senators Birdsell, Avard, Bradley, Whitley and Prentiss

Members of the Committee Absent: None

Bill Analysis: This bill makes an appropriation to the department of education for the multi-tiered system of support for children's mental health.

Sponsors:

Sen. Whitley
Sen. Fenton
Sen. Soucy
Rep. Luneau

Sen. Carson
Sen. Prentiss
Sen. Watters

Sen. Chandley
Sen. Rosenwald
Rep. Myler

Who supports the bill: In total, **134 individuals** signed in in support of SB 265-FN-A. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who opposes the bill: In total, **8 individuals** signed in in opposition to SB 265-FN-A. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Who is neutral on the bill: In total, **2 individuals** signed in as neutral on SB 265-FN-A. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

Summary of testimony presented in support:

Senator Becky Whitley

Senate District 15

- Senator Whitley said SB 265-FN-A builds on years of bipartisan work.
- Sen. Whitley said there are 18 children waiting in emergency departments for in-patient mental health treatment beds. She said the system remains in crisis and has only gotten worse. She said schools are struggling.

- Sen. Whitley said SB 265-FN-A supports the capacity of the Department of Education (DOE).
- Sen. Whitley said it is important to ensure access to care when it is needed.
- Sen. Whitley said years of collaboration show the success of the Multi-Tiered System of Support for Behavioral Health (MTSS-B). She said one size does not fit all and MTSS-B is a way of providing interventions at the right level for specific students.
- Sen. Whitley said MTSS-B is an evidence-based prevention framework.
- Sen. Whitley said SB 265-FN-A offers schools a coordinated approach between school-wide systems, targeted practices for individual students, and additional, intensive, individualized care for specific students in need.
- Sen. Whitley said that if the system can support children sufficiently, they can get back to learning without disruption.
- Sen. Whitley said schools are doing what they can with limited investment. She said there are many federal and state mandates that schools must comply with. She said that many bodies recommend MTSS-B in schools, including RSA 135-F.
- Sen. Whitley said MTSS-B is integral to the system of care and the appropriation in SB 265-FN-A will ensure that schools can continue to provide innovative and evidence-based support for children.

Casey Caster and Russell Schaechtle

The Youth Council

- Ms. Caster said it is well documented that schools are facing growing challenges from student behavior. She said disruptions from the COVID-19 pandemic and substance use disorder epidemic left many children struggling with trauma. She said that system of supports in MTSS-B ensures all students are ready to learn.
- Ms. Caster said The Youth Council partners with the Nashua School District to embed five counselors in the middle and high schools and one system-wide. She said they work with the MTSS-B coach, administrators, and guidance counselors.
- Ms. Caster said the counselors are usually employed in the second and third tiers of MTSS-B.
- Ms. Caster said The Youth Council provided services to 485 students in 2022 and 425 in 2021. She said many of the children being served face barriers to care outside of the school setting.
- Ms. Caster said additional funding is necessary because American Rescue Plan Act (ARPA) funds expire in 2024.
- Mr. Schaechtle said that he found it was difficult for students to follow through with their consultation. He said that since MTSS-B was integrated in Nashua he has seen tremendous progress with the students.
- Mr. Schaechtle shared the personal stories of three students in Nashua whose academic performances improved through MTSS-B's coordination.

Emma Sevigny

Children's Behavioral Health Coordinator, New Futures

- Ms. Sevigny referenced her written testimony.
- Ms. Sevigny said MTSS-B is a framework that provides a lot of flexibility for each school to address its individual needs.
- Ms. Sevigny said that families play an active role in MTSS-B. She said providers work with families at the higher tiers of MTSS-B involvement. She said that they continue interventions at home and outside of the school setting.
- Ms. Sevigny said it is important to students and the system to support evidence-based practices in reducing problem behaviors, increasing test scores, and improving the culture and climate in schools.
- Sen. Whitley asked if there was a difference between states offering in-house mental health clinics and how New Hampshire districts were integrating MTSS-B.
 - Ms. Sevigny said schools in New Hampshire are partnering with community mental health centers so that students do not have to go to treatment in the school. She said MTSS-B embeds the framework into the life of the student, so that every student receives some sort of intervention. She said those we need a higher level of intervention will work with their MTSS-B liaison as needed.
- Senator Avar asked how involved parents were with MTSS-B and if informed consent was required.
 - Ms. Sevigny said that parents are active participants in MTSS-B.
- Sen. Avar asked if datamining and data sharing was taking place.
 - Ms. Sevigny said she would be surprised to learn that datamining was actually taking place. She said data is collected to improve the system but she did not believe it would be classified as datamining.

Sean Parr

Manchester School Board

- Mr. Parr said that Manchester is investing in MTSS-B and has seen office referrals decrease by 50% since implementing the MTSS-B pilot program.
- Mr. Parr said MTSS-B has improved collaboration and increased effectiveness in meeting the needs of students.
- Mr. Parr said State technical assistance with the implementation of MTSS-B was essential.
- Mr. Parr said the Manchester School Board unanimously supported the appropriation in SB 265-FN-A.
- Sen. Avar asked if the MTSS-B was an opt-in or an opt-out system. He asked how engaged parents were in MTSS-B.
 - Mr. Parr said it was beyond his purview to know the depths of the exact procedures. He said parents are informed and part of the MTSS-B process.
- Sen. Avar asked if Mr. Parr would support MTSS-B if datamining was taking place.
 - Mr. Parr said he had not heard of datamining before the hearing on SB 265-FN-A. He said he understood that data was collected to improve the program, not for the sharing of private information.

Holly Stevens

Director of Public Policy, NAMI

- Ms. Stevens said she is not an expert on MTSS-B or datamining but is an expert on what is happening to children.
- Ms. Stevens said children waiting in emergency departments for in-patient care is an ongoing problem that is not getting any better.
- Ms. Stevens said suicide is the second-leading cause of death for people ages 10 to 24 in New Hampshire. She said that between 2007 and 2018 suicide rates increased 57.4% within that age group. She said that 18.8% of high school students in New Hampshire have considered suicide and 8.9% have attempted suicide. She said 15,000 children have reported having depression.
- Ms. Stevens said MTSS-B has been shown to be successful in the schools where it has been implemented.
- Sen. Whitley asked if MTSS-B was a prevention tool to preventing children from ending up in emergency departments.
 - Ms. Stevens said that NAMI sees the response as an all-hands-on-deck, all-tools-in-the-toolbox approach. She said that it is important for children to get help before they need in-patient care so that they do not go to the emergency department. She said SB 265-FN-A and MTSS-B is one tool in the toolbox. She said that money going towards Hampstead Hospital raising wages could be an additional tool. She urged the Committee to consider both, rather than one or the other.

Margie Borausua

- Ms. Borausua is a school psychologist.
- Ms. Borausua said that MTSS-B is a framework, not a program, to support school staff and the community figure out how to prevent, collaborate, and support students and families in accessing support before reaching the top-tier of intervention.
- Ms. Borausua said that the system doesn't work every single time because there is no one-size-fits-all solution. She said with an effective MTSS-B framework, students who are struggling early are recognized. She said Tier 1 involved discussing mental health wellness and supports social wellbeing for all students. She said Tier 2 are for students who present with more needs who require more active intervention. She said parental consent is always gathered.
- Ms. Borausua said that mental health difficulties present for everyone at some point. She said that if children do not know what stress is, they cannot identify if they are being negatively affected by stress.
- Ms. Borausua said that if children are not doing well emotionally, they cannot do their best academically.
- Ms. Borausua said 80% of children respond in Tier 1, 15% in Tier 2, and 5% in Tier 3. She said that she frequently receives phone calls from parents thanking her for recognizing that something was going on with their children.
- Sen. Avard asked if there is a specific definition for social emotional wellbeing.

- Ms. Borausua said that there are seven areas to look at as a school counselor, which include self-determination, collaboration, and communication to help support healthy, resilient people. She said that there are “canned programs” for MTSS-B that schools can buy but she does not support those. She said that a lot of work goes into determining what is appropriate for a school’s climate, culture, staff, and community. She said the MTSS-B framework for not prescribe a “canned program”.
- Sen. Whitley asked how MTSS-B helps to level the playing field between children who are coming from different home environments.
 - Ms. Borausua said she always believes that parents know their child best and a single 20-minute session will not solve their problems. She said that with the rise in homelessness it is important to connect students and their families with social workers, for example. She said it is also important to connect children and families with alternatives to the traditional four-year program if that is not working for the child.

Megan Phillips

Behavioral Health Improvement Institute at Keene State College

- Ms. Phillips said the Behavioral Health Improvement Institute (BHII) has a contract with DOE to develop and run a program to support MTSS-B in New Hampshire.
- Ms. Phillips said BHII serves as the external evaluator for the grants that fund MTSS-B through DOE. She said that the contracts go through the DOE Office of Social and Emotional Education.
- Ms. Phillips said that MTSS-B is an organizational structure to make existing programs more streamlined and effective.
- Ms. Phillips said that when schools do not have strong technical assistance and coaching, programs are done in a haphazard manner. She said that MTSS-B offers coaching on effectiveness through the Office of Social and Emotional Education.
- Ms. Phillips said that she questioned how “datamining” was being defined by some who testified. She said that BHII is contracted by DOE to serve as the external evaluator for federal MTSS-B contracts. She said that it is required that the programs be evaluated in order to receive funds. She said there are seven school districts in New Hampshire that have implemented MTSS-B. She said there are privacy requirements built in to the process through data privacy agreements with the school districts and legal counsel.
- Ms. Phillips said all data is reported in an aggregate, anonymous way. She said they report, for example, how many children were served in a specific quarter of a specific year. She said the districts and the evaluator are the only people who see the data.

Summary of testimony presented in opposition:

Ann Marie Banfield

- Ms. Banfield questioned if MTSS-B was working in New Hampshire schools and, if so, where the data was that supported it.

- Ms. Banfield referenced an Instagram account run by a student in Keene showing physical altercations in the schools.
- Ms. Banfield said that turning schools into mental health clinics does not work well.
- Ms. Banfield said the money spent in SB 265-FN-A should be spent getting the children waiting in emergency departments into in-patient treatment.
- Ms. Banfield said the national approach is not the best solution for New Hampshire. She said data is being shared outside of the districts without parental knowledge or consent. She said school administrators are not educated in the field and do not have the knowledge of why informed consent is important, so they ignore ethical codes.
- Ms. Banfield said the Every Student Succeeds Act of 2015 (ESSA) was an overreach by the federal government into local schools. She said all of the overreach is a way to collect and store more student data. She said there is a market for software to aggregate student data, and referenced a company whose website referred to barcodes to MTSS-B integration.
- Ms. Banfield said school administrators refused to follow the parental consent requirements of ESSA. She said MTSS-B is riddled with abuse and ethical guidelines are being exploited or ignored.
- Ms. Banfield said that Plymouth State University, Keene State College, and Antioch University have been datamining on school children for years and refused to enforce ethical requirements because they believe that should be done at the district level.
- Ms. Banfield said there need to be independent, peer-reviewed studies showing the MTSS-B works in New Hampshire.
- Ms. Banfield urged the Committee to recommend Inexpedient to Legislate on SB 265-FN-A.

Nancy Biederman

- Ms. Biederman is a former teacher.
- Ms. Biederman said MTSS-B is another program being forced down teachers' throats that is not going to fix all problems. She said support will disappear after a year or two.
- Ms. Biederman said that it is not a new approach for schools to see a problem, throw everything at it, and then have the program not work.
- Ms. Biederman said as a parent she is concerned about parental consent. She said there is a bill in the House of Representatives allowing 16-year-olds to receive mental health treatment without parental consent. She said it is a slippery slope.
- Ms. Biederman said parents could be stuck without access to their child's information. She said there are unintended consequences that need to be looked at.
- Ms. Biederman said there has been an increase in mental health problems for children because children have been given an unsafe environment. She said children are being allowed to make decisions that they are not mentally developed enough for.
- Ms. Biederman said it is important for adults to step in and model appropriate behavior. She said this does not happen anymore. She said that children's anxieties are learned behaviors that they pick up from adults at home and in the classroom.
- Ms. Biederman said when she was a teacher she taught the difference between appropriate and inappropriate behaviors.

- Ms. Biederman said there are cons to the MTSS-B system that no one is discussing. She said it requires 100% buy-in from everyone. She said that would not happen.
- Ms. Biederman said that towns will not pay for MTSS-B once federal and state funding dries up.
- Ms. Biederman said that tracking was a large concern for her. She said that she had heard that the hall passes in Milford were an app on the student's phone due to the increase in bathroom-related incidents. She asked what was happening with that data.
- Ms. Biederman said that the squeaky wheel will get the attention. She said that children will notice during check-ins that children who show a sad face will receive more attention, so more of them will show the sad face.
- Sen. Avard asked about conditions like undiagnosed dyslexia that require learning in a way that meets their needs. He asked if undiagnosed conditions add to emotional problems.
 - Ms. Biederman said it is important to get to the root cause of problems. She shared a personal story about an integrated first-and-second grade classroom she taught in in Michigan. She said it was not her job as a teacher to help a child work through their parents' divorce.

Neutral Information Presented:

Melissa White

DOE

- Ms. White described the three tiers of MTSS-B:
 - Tier 1 is what is accessed by everyone in a school and may involve ensuring that all staff use the same language and helping students process big emotions;
 - Tier 2 is not put on the classroom teacher and is provided through a specialist and requires parental consent, which is required any time a student is taken out of a classroom; and
 - Tier 3 is very individualized and not accessed by most students but requires parental involvement and, usually, a specialist.
- Ms. White said that SB 265-FN-A is just an appropriation to run the bare minimum that DOE needs to provide MTSS-B supports across the state. She said there are nine positions created, only two of which are permanent. She said DOE will utilize federal and private resources to try to leverage the maximum amount of assistance.
- Ms. White said the nine positions include one substance use disorder prevention coordinator, six regional implementation specialists, and one-and-one-half FTE administrators. She said these positions are currently funded through federal resources but that is not sustainable.
- Senator Bradley asked if the nine positions were currently federally funded.
 - Ms. White said that one is partially funded through the General Fund.
- Sen. Bradley asked if the nine positions were included in the Department's budget request.
 - Ms. White said they were not.
 - Sen. Bradley asked why they were not.
 - Ms. White said she would need to get back to the Committee.

- Sen. Bradley asked if DOE had metrics on MTSS-B. He said that it appears much of the framework had been implemented in 2020.
 - Ms. White said that there was a report completed in the fall of 2022 that she would provide to the Committee.
- Sen. Whitley asked if SB 265-FN-A was important to DOE fulfilling its obligations under RSA 135-F.
 - Ms. White said that it was. She said that if the nine positions are not funded, DOE will need to reassess. She said they would likely need to eliminate some of the positions.
- Ms. White said New Hampshire has the most strict laws on student data privacy in the country. She said that it is a Class B felony to collect and share student data. She said DOE is limited in what data it can collect. She said any data is collected at the aggregate level, not the student level. She said that if datamining is suspected, DOE needs to look into it.

cml

Date Hearing Report completed: February 21, 2023