

1 SB92
2 209958-4
3 By Senator Smitherman
4 RFD: Education Policy
5 First Read: 02-FEB-21
6 PFD: 01/27/2021

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to public K-12 education, to require the
12 State Department of Education to develop a program to address
13 the mental health of students who are considered at-risk for
14 developing inadequate social-behavioral skills, such as ADHD
15 or anger management issues, in the classroom; to require the
16 department to provide guidance for school districts in
17 establishing safe and supportive school frameworks to support
18 schools in fostering a positive and healthy learning
19 environment and improve student outcomes; to require the
20 department to provide support to school districts in adopting
21 supportive school frameworks and developing an action plan to
22 improve the learning, emotional, and socially appropriate
23 environment in schools throughout the district; to require
24 each local board of education in the state, subject to
25 appropriations by the Legislature, to employ a mental health
26 service coordinator; to provide for the qualifications and
27 duties of the mental health service coordinator; to require

1 each local board of education to complete and submit a needs
2 assessment relating to the provision of mental health
3 resources to students; and to provide for the responsibilities
4 of the State Department of Education, the State Board of
5 Education, and the Alabama Department of Mental Health.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. The Legislature finds all of the
8 following:

9 (1) The State Department of Education and the public
10 K-12 schools of the state provide proactive strategies that
11 promote the mental health of the general student population,
12 with no specific intervention strategies for students
13 considered at-risk for developing inadequate social-behavioral
14 skills.

15 (2) There is a prevalence of students in public K-12
16 schools who lack age-appropriate social, emotional, and
17 behavioral skills including, but not limited to, students with
18 Attention Deficit and Hyperactivity Disorder (ADHD) and
19 students who lack the ability to appropriately manage anger
20 and other emotions, often causing chronic disability and
21 disadvantage in children and directly interfering with the
22 intellectual, social, and emotionally appropriate development
23 of students.

24 (3) Poverty increases the likelihood that children
25 will be exposed to multiple adverse childhood experiences such
26 as experiencing or witnessing violence, and children who have

1 had adverse childhood experiences are more likely to have
2 behavior problems.

3 (4) When teachers are unable to manage disruptive
4 behavior in the classroom, learning for all students is
5 diminished because teachers spend more instructional time on
6 behavior management.

7 (5) It is essential that students, teachers, and
8 school staff receive consistent and continuing instruction on
9 appropriate methods of addressing the root of perceived
10 disruptive behavior and the means of correcting those
11 behaviors in a manner that does not hinder the educational
12 progress of the student or the social, emotional, or
13 behavioral growth and development of the student.

14 (6) Outcomes for students who have inadequate or
15 inappropriate social, emotional, or behavioral skills may
16 include being retained in a grade, receiving services and
17 supports through Individual Education Plans or 504 Plans,
18 being suspended or expelled from school, or the development of
19 additional or worsening of social, emotional, or behavioral
20 issues or challenges, all of which are costly to families,
21 schools, and the larger community.

22 (7) Discipline policies that emphasize the
23 exclusionary practices of suspension or expulsion from the
24 classroom may negatively affect a student's academic success
25 and behavioral health, increasing the likelihood of his or her
26 involvement in the criminal justice system, and decreasing the

1 student's likelihood of completing high school, which all come
2 with substantial social and economic costs.

3 (8) Discipline policies are among the factors that
4 set the school culture and climate for all students. Research
5 indicates that the implementation of alternative, restorative
6 disciplinary practices can positively affect school climate
7 and individual connectedness, thus affecting school quality,
8 especially among lower-performing schools.

9 (9) Teachers often lack the training and resources
10 needed to appropriately address, assist, and effectively teach
11 disruptive students who lack age-appropriate social,
12 emotional, and behavioral skills.

13 (10) There is evidence that providing teachers
14 training on positive classroom management strategies,
15 integrating a student's social and emotional skills training
16 into instruction, and providing mental health consultations,
17 healthy expression and processing emotions and conflict
18 resolution skills, increased healthy physical movement,
19 effective communication between students, teachers, and staff,
20 and independent and small group learning experiences, and
21 implementing policies emphasizing restorative approaches to
22 school discipline may reduce disruptive behaviors and improve
23 academic achievement.

24 Section 2. For the purposes of this act, the
25 following terms shall have the following meanings:

26 (1) DEPARTMENT. The State Department of Education.

1 (2) SOCIAL-BEHAVIORAL OR SOCIAL- EMOTIONAL AT RISK
2 STUDENTS. That population of public K-12 students who are
3 considered at-risk for developing inadequate social-behavioral
4 skills, such as ADHD or anger management issues, or inadequate
5 social emotional skills in the classroom.

6 (3) SOCIAL-BEHAVIORAL SKILLS. Non-cognitive skills
7 and executive functioning including, but not limited to, the
8 ability to attend to tasks; shift attention in response to
9 expectations; inhibit socially inappropriate responses;
10 process, remember, and use information; and manage emotions
11 such as frustration, anger, and stress. Examples of inadequate
12 social-behavioral skills may include the inability to
13 self-identify emotions, express thoughts and emotions, perform
14 healthy conflict resolution, manage anger, or a diagnosis of
15 Attention Deficit and Hyperactivity Disorder (ADHD).

16 Section 3. (a) The department shall develop a
17 comprehensive program to address the mental health of
18 social-behavioral or social-emotional at risk students. The
19 program shall provide for all of the following:

20 (1) Ongoing support for teachers to positively and
21 effectively manage the behavioral problems of the student in
22 the classroom through formal professional development and
23 inservice training available to all public K-12 teachers that
24 includes, but is not limited to, recognizing signs of
25 inadequate social-behavioral skills in a student and best
26 practices for schools and classrooms in managing inadequate
27 social-behavioral skills, including using multi-tiered systems

1 of support. The department may allow teachers to receive
2 credit in continuing professional education for participation
3 in a training course.

4 (2) Providing for one-on-one or small group mental
5 health consultations for students, including consultation with
6 counselors, mental health specialists, behavior specialists,
7 family focused interventions, or referrals to the local
8 community mental health center.

9 (3) Developing curricula on age-appropriate social
10 skills provided directly to students in the classroom.

11 (4) Strengthening parenting capacities through
12 parenting programs to support a student's social-behavioral
13 competence and create parent, school, student partnerships
14 that promote the development of the whole student and family
15 structure.

16 (5) For students who are identified as higher risk
17 than the general population or who need more intensive
18 intervention strategies, the department shall coordinate with
19 the Alabama Department of Mental Health to deliver
20 trauma-informed care. The mental health service coordinator
21 shall refer the student to the local community mental health
22 center as part of the school-based mental health
23 collaboration.

24 (b) The program shall be designed in a manner that
25 allows flexibility among schools and school districts to
26 tailor the elements of the program that best works for the

1 school and community and reflects current best practices in
2 addressing behavioral problems in the classroom.

3 (c) The department shall create a self-assessment
4 tool for schools and school districts to determine whether the
5 program is effectively helping social-behavioral or
6 social-emotional at risk students learn age-appropriate
7 social-behavioral skills, to assist teachers and other
8 professionals in managing social-behavioral or
9 social-emotional at risk students' behavioral problems in a
10 classroom setting, and to prevent or minimize class
11 disruptions.

12 Section 4. (a) In order to improve educational
13 outcomes for all students, the department shall develop a safe
14 and supportive schools framework. The framework shall provide
15 guidance and support to schools to assist with the fostering
16 of a safe, positive, healthy, and inclusive whole-school
17 learning environment that does both of the following:

18 (1) Enables students to develop positive
19 relationships with adults and peers, to self regulate emotions
20 and behaviors, achieve academic and non-academic success in
21 school, and to maintain health and well-being.

22 (2) Integrates services and aligns initiatives that
23 promote the behavioral health of students, including social
24 and emotional learning, bullying prevention, trauma
25 sensitivity, dropout prevention, truancy reduction, nutrition,
26 mental health, foster care and homeless youth education,
27 inclusion of students with disabilities, positive behavioral

1 approaches that reduce suspensions and expulsions, and other
2 similar initiatives.

3 (b) (1) Subject to appropriations by the Legislature,
4 each local board of education shall implement the safe and
5 supportive schools framework developed under subsection (a) in
6 order to organize, integrate, and sustain school and
7 district-wide efforts to create safe and supportive school
8 environments and coordinate and align student prevention and
9 support initiatives.

10 (2) Each school system implementing the safe and
11 supportive schools framework shall also develop an action plan
12 as further provided in subsection (d). The local
13 superintendent of education may appoint a team to make
14 recommendations concerning the development of this action
15 plan, provided a team shall include a broad representation of
16 the school and local community, and the superintendent shall
17 include teachers and other school personnel, parents,
18 students, and representatives from community-based agencies
19 and providers, including the local community mental health
20 center.

21 (c) The department may create a separate
22 self-assessment tool organized according to the elements of
23 the framework established under subsection (a) for schools to
24 use when developing their action plan. The self-assessment
25 tool shall be used by school systems to do all of the
26 following:

1 (1) Assess the capacity of the school system to
2 create and sustain safe and supportive school environments for
3 all students.

4 (2) Identify areas where additional school-based
5 action, efforts, guidance, and support are needed to create
6 and maintain safe and supportive school environments.

7 (3) Create action plans to address the areas of need
8 identified by the assessment with timed, specific, realistic,
9 and measurable goals.

10 (d) School action plans shall be designed to address
11 the areas of need identified through the use of the
12 self-assessment tool described in subsection (c), shall be
13 published on the website of the school district, and shall
14 include all of the following:

15 (1) Strategies and initiatives for addressing the
16 areas of need.

17 (2) A timeline for implementing the plan.

18 (3) Outcome goals and indicators for evaluating the
19 effectiveness of the action plan.

20 (4) A process and schedule for reviewing the plan
21 annually or biannually and updating it at least once every
22 three years.

23 (e) The department shall facilitate the
24 implementation of the safe and supportive schools framework in
25 school systems developing and implementing an action plan by
26 providing technical assistance to school systems and

1 developing and disseminating model protocols and best
2 practices.

3 (f) Nothing in this section shall be construed as
4 limiting the ability of the department to contract with
5 individuals, external partners, or other entities to support
6 the functions established under this section. The department
7 shall consider opportunities for partnership with the Alabama
8 Department of Mental Health or local community mental health
9 centers, education collaboratives or other regional service
10 organizations to provide technical assistance and information
11 to school districts on the implementation of the framework and
12 action plans.

13 Section 5. (a) Commencing with the 2022-2023 school
14 year, each local board of education in the state shall employ
15 a mental health service coordinator. The coordinator shall be
16 responsible for coordinating student mental health services
17 throughout the local school system. Coordinators may not
18 deliver intensive intervention strategies or services for the
19 population of high risk students served by the local community
20 mental health center as part of the school-based mental health
21 collaboration with the Alabama Department of Mental Health.

22 (b) An individual hired as a coordinator shall
23 possess at least one of the following qualifications:

24 (1) Have a bachelor's degree in social work.

25 (2) Satisfy department qualifications for a school
26 psychologist.

1 (3) Satisfy department qualifications for a school
2 counselor.

3 (4) Satisfy department qualifications for a school
4 nurse.

5 (5) Have professional mental health experience, or
6 have been licensed in a mental health occupation including,
7 but not limited to, licensure as a licensed professional
8 counselor or marriage and family therapist.

9 (6) Other qualifications as determined by the
10 department and the Alabama Department of Mental Health.

11 (c) Within one year after being hired as a mental
12 health service coordinator, an individual shall earn a
13 school-based mental health certificate by successfully
14 completing a certification program developed by the Alabama
15 Department of Mental Health.

16 (d) On or before the last day of the 2022 fiscal
17 year, and as requested thereafter, each local board of
18 education shall complete and submit to the Alabama Department
19 of Mental Health a needs assessment and resource map for the
20 schools under the jurisdiction of the board. The assessment
21 shall document the status of mental health for the entire
22 school system and allow the local board of education to engage
23 in a quality improvement process to improve the provision of
24 mental health resources within the school system.

25 (e) The administration of this section shall be
26 subject to appropriations made by the Legislature.

1 Section 6. The State Board of Education and the
2 Alabama Department of Mental Health shall adopt rules and
3 policies as applicable, appropriate, and necessary to
4 implement this act.

5 Section 7. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Education Policy..... 02-FEB-21

Read for the second time and placed on the calen-
dar with 1 substitute and..... 10-FEB-21

Read for the third time and passed as amended 16-MAR-21

Yeas 28
Nays 1

Patrick Harris,
Secretary.