

1 SB40
2 216258-1
3 By Senator Smitherman
4 RFD: Education Policy
5 First Read: 11-JAN-22

8 SYNOPSIS: This bill would require the State Department
9 of Education to develop a program to specifically
10 address the mental health of that population of
11 public K-12 students (Tier II students) who are
12 considered at risk for developing inadequate
13 social-behavioral skills, such as ADHD or anger
14 management issues, in the classroom.

15 This bill would provide that the program
16 include developing and providing professional
17 development training, providing one-on-one
18 consultations with students and behavioral
19 specialists, and developing curricula for those at
20 risk students to learn appropriate
21 social-behavioral skills.

22 This bill would require the department to
23 provide guidance for each school district in
24 establishing a safe and supportive school framework
25 to support schools in fostering a positive and
26 healthy learning environment and improve student
27 outcomes.

1 This bill would require the department to
2 provide support to each school district in adopting
3 a supportive school framework and developing an
4 action plan to improve the learning environment
5 throughout the school system.

6 This bill would establish and provide for
7 the qualifications and duties of a mental health
8 service coordinator and would require each local
9 board of education in the state, subject to
10 appropriations by the Legislature, to employ a
11 mental health service coordinator to serve those
12 schools under the jurisdiction of the board.

13 This bill would provide for the
14 responsibilities of the State Department of
15 Education and the Alabama Department of Mental
16 Health in providing continuing evaluation and
17 support of mental health services provided to
18 students through local boards of education.

19 This bill would also provide for the
20 responsibilities of the State Department of
21 Education, the State Board of Education, and the
22 Alabama Department of Mental Health relating to the
23 program.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 Relating to public K-12 education, to require the
3 State Department of Education to develop a program to address
4 the mental health of students (Tier II students) who are
5 considered at risk for developing inadequate social-behavioral
6 skills, such as ADHD or anger management issues, in the
7 classroom; to require the department to provide guidance for
8 school districts in establishing a safe and supportive school
9 framework to support schools in fostering a positive and
10 healthy learning environment and improve student outcomes; to
11 require the department to provide support to school districts
12 in adopting a supportive school framework and developing an
13 action plan to improve the learning, emotional, and socially
14 appropriate environment in schools throughout the district; to
15 require each local board of education in the state, subject to
16 appropriations by the Legislature, to employ a mental health
17 service coordinator; to provide for the qualifications and
18 duties of the mental health service coordinator; to require
19 each local board of education to complete and submit a needs
20 assessment relating to the provision of mental health
21 resources to students; and to provide for the responsibilities
22 of the State Department of Education, the State Board of
23 Education, and the Alabama Department of Mental Health.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The Legislature finds all of the
26 following:

1 (1) The State Department of Education and the public
2 K-12 schools of the state provide effective targeted intensive
3 intervention strategies for the population of high risk
4 students and proactive strategies that promote the mental
5 health of the general student population, with no specific
6 intervention strategies for students considered at risk for
7 developing inadequate social-behavioral skills.

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

16 (3) Students living in poverty are more than twice
17 as likely to have social, emotional, and behavioral
18 difficulties.

19 (4) Poverty increases the likelihood that children
20 will be exposed to multiple adverse childhood experiences such
21 as experiencing or witnessing violence, and children who have
22 been exposed are more likely to be diagnosed with ADHD or
23 other behavior problems.

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

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

8 (7) The most likely outcomes for students who have
9 inadequate or inappropriate social, emotional, or behavioral
10 skills are being retained in a grade, receiving services and
11 support through Individual Education Plans or 504 Plans, being
12 suspended or expelled from school, or the development of
13 additional or worsening of social, emotional, or behavioral
14 issues or challenges, all of which are costly to families,
15 schools, and the larger community.

16 (8) Discipline policies that emphasize the
17 exclusionary practices of suspension or expulsion from the
18 classroom negatively affect a student's academic success and
19 behavioral health, increasing the likelihood of his or her
20 involvement in the criminal justice system, and decreasing the
21 student's likelihood of completing high school, which all come
22 with substantial social and economic costs.

23 (9) Discipline policies, among other factors, set
24 the school culture and climate for all students. Research
25 indicates that the implementation of alternative, restorative
26 disciplinary practices can positively affect school climate

1 and individual connectedness, thus affecting school quality,
2 especially among lower-performing schools.

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

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

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

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

21 (2) SOCIAL-BEHAVIORAL SKILLS. Non-cognitive skills
22 and executive functioning including, but not limited to, the
23 ability to attend to tasks; shift attention in response to
24 expectations; inhibit socially inappropriate responses;
25 process, remember, and use information; and manage emotions
26 such as frustration, anger, and stress. Examples of inadequate
27 social-behavioral skills include, but are not limited to, the

1 inability to self-identify emotions, express thoughts and
2 emotions, perform healthy conflict resolution, manage anger,
3 and a diagnosis of Attention Deficit Hyperactivity Disorder
4 (ADHD).

5 (3) TIER II STUDENTS. That population of public K-12
6 students who are considered at risk for developing inadequate
7 social-behavioral skills, such as ADHD or anger management
8 issues, in the classroom

9 Section 3. (a) The department shall develop and
10 implement a comprehensive program to address the mental health
11 of Tier II students. The program shall provide for all of the
12 following:

13 (1) Ongoing support for teachers to positively and
14 effectively manage the behavioral problems of the student in
15 the classroom through formal professional development and
16 inservice training of all public K-12 teachers that includes,
17 but is not limited to, recognizing signs of inadequate
18 social-behavioral skills in a student and best practices for
19 schools and classrooms in managing inadequate
20 social-behavioral skills, including using multi-tiered systems
21 of support. The department may allow teachers to receive
22 credit in continuing professional education for participation
23 in a training course.

24 (2) Providing for one-on-one or small group mental
25 health consultations for students, including consultation with
26 counselors, mental health specialists, behavior specialists,
27 and family focused interventions.

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

3 (4) Strengthening parenting capacities through
4 parenting programs to support a student's social-behavioral
5 competence and create parent, school, student partnerships
6 that promote the development of the whole student and family
7 structure.

8 (b) The program shall be designed in a manner that
9 allows flexibility among schools and school districts to
10 tailor the elements of the program that work best for the
11 school and community and reflect current best practices in
12 addressing behavioral problems in the classroom.

13 (c) The department shall create a self-assessment
14 tool for schools and school districts to determine whether the
15 program is effectively helping Tier II students learn
16 age-appropriate social-behavioral skills, to assist teachers
17 and other professionals in managing Tier II students'
18 behavioral problems in a classroom setting, and to prevent or
19 minimize class disruptions.

20 Section 4. (a) In order to improve educational
21 outcomes for all students, the department shall develop a safe
22 and supportive school framework. The framework shall provide
23 guidance and support to schools to assist with the fostering
24 of a safe, positive, healthy, and inclusive whole-school
25 learning environment that does both of the following:

26 (1) Enables students to develop positive
27 relationships with adults and peers, regulates the emotions

1 and behavior of students, achieves academic and non-academic
2 success in school, and maintains physical and psychological
3 health and well-being.

4 (2) Integrates services and aligns initiatives that
5 promote the behavioral health of students, including social
6 and emotional learning, bullying prevention, trauma
7 sensitivity, dropout prevention, truancy reduction, nutrition,
8 mental health, foster care and homeless youth education,
9 inclusion of students with disabilities, positive behavioral
10 approaches that reduce suspensions and expulsions, and other
11 similar initiatives.

12 (b) (1) Subject to appropriations, each local board
13 of education shall implement the safe and supportive school
14 framework developed under subsection (a) in order to organize,
15 integrate, and sustain school and district-wide efforts to
16 create safe and supportive school environments and coordinate
17 and align student prevention and support initiatives.

18 (2) Each school implementing the safe and supportive
19 school framework shall also develop an action plan as further
20 provided in subsection (d). The local superintendent of
21 education may appoint a team to develop this action plan,
22 provided a team shall include a broad representation of the
23 school and local community, and the superintendent shall
24 include teachers and other school personnel, parents,
25 students, and representatives from community-based agencies
26 and providers.

1 (c) The department shall create a self-assessment
2 tool organized according to the elements of the framework
3 established under subsection (a) for schools to use when
4 developing their action plan. The self-assessment tool shall
5 be used by schools to do all of the following:

6 (1) Assess the capacity of the school to create and
7 sustain safe and supportive school environments for all
8 students.

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

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

15 (d) School action plans shall be designed to address
16 the areas of need identified through the use of the
17 self-assessment tool described in subsection (c), shall be
18 published on the website of the school district, and shall
19 include all of the following:

20 (1) Strategies and initiatives for addressing the
21 areas of need identified by the assessment.

22 (2) A timeline for implementing the strategies and
23 initiatives.

24 (3) Outcome goals and indicators for evaluating the
25 effectiveness of the strategies and initiatives set forth in
26 the action plan, which may include attendance and graduation
27 rates; bullying incidences; number of student suspensions and

1 expulsions; emotional, behavioral, and mental unbiased
2 assessment tools; number of office referrals; truancy and
3 tardiness rates; time spent on learning; and other measures of
4 school success.

5 (4) A process and schedule for reviewing the plan
6 annually or biannually and updating it at least once every
7 three years.

8 (e) The department shall facilitate and oversee the
9 implementation of the safe and supportive school framework in
10 schools developing and implementing the framework and action
11 plan by providing technical psychosocial assistance to schools
12 and developing and disseminating model protocols and best
13 practices.

14 (f) Nothing in this section shall be construed as
15 limiting the ability of the department to contract with
16 individuals, external partners, or other entities to support
17 the functions established under this section. The department
18 shall consider opportunities for education collaboratives or
19 other regional service organizations to provide technical
20 assistance and information to school districts on the
21 implementation of the framework and action plan.

22 Section 5. (a) Commencing with the 2023-2024 school
23 year, each local board of education in the state shall employ
24 a mental health service coordinator. The coordinator shall be
25 responsible for coordinating student mental health services
26 throughout the local school system with specific focus on Tier
27 II students.

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

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

4 (2) Satisfy department qualifications for a school
5 counselor.

6 (3) Satisfy department qualifications for a school
7 nurse.

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

12 (5) Other qualifications as determined by the
13 department and the Alabama Department of Mental Health.

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

19 (d) On or before the last day of the 2023 fiscal
20 year, and as requested thereafter, each local board of
21 education shall complete and submit to the Alabama Department
22 of Mental Health a needs assessment and resource map for the
23 schools under the jurisdiction of the board. The assessment
24 shall document the status of mental health for the entire
25 school system and allow the local board of education to engage
26 in a quality improvement process to improve the provision of

1 mental health resources to Tier II students within the school
2 system.

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

5 Section 6. The State Board of Education and the
6 Alabama Department of Mental Health shall adopt rules and
7 policies as applicable, appropriate, and necessary to
8 implement this act.

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