

1 HB123
2 220053-4
3 By Representative Ledbetter
4 RFD: Ways and Means Education
5 First Read: 13-JAN-22

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ENROLLED, An Act,

Relating to public K-12 education; to require each local board of education and independent school system in the state, subject to appropriations by the Legislature, to employ a mental health service coordinator; to provide for the qualifications and duties of the mental health service coordinator; to require each local board of education and independent school system to complete and submit a needs assessment relating to the provision of mental health resources to students; to provide for the responsibilities of the Alabama Department of Mental Health and the State Department of Education; to require a local board of education to adopt a policy requiring parents to opt-in for mental health services; and to provide for policy requirements.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Subject to appropriations by the Legislature, commencing with the 2023-2024 school year, each local board of education in the state shall employ a mental health service coordinator. The coordinator shall be responsible for coordinating student mental health services throughout the local school system.

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

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

1 (2) Satisfy State Department of Education
2 qualifications for a school counselor.

3 (3) Satisfy State Department of Education
4 qualifications for a school nurse.

5 (4) 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 (5) Other qualifications as determined by the
10 Alabama Department of Mental Health and the State Department
11 of Education.

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

17 (d) On or before the last day of the 2021 fiscal
18 year, and as requested thereafter, each local board of
19 education shall complete, and submit to the Alabama Department
20 of Mental Health, a needs assessment and resource map for the
21 schools under the jurisdiction of the board. The assessment
22 shall document the status of mental health for the entire
23 school system and allow the local board of education to engage
24 in a quality improvement process to improve the provision of
25 mental health resources to students within the school system.

1 (e) The Alabama Department of Mental Health and the
2 State Department of Education may adopt rules and policies as
3 necessary for implementation of this section.

4 (f) The administration of this act shall be subject
5 to appropriations made by the Legislature.

6 (g) As used in this section, the term "local board
7 of education" and "school system" shall include the schools or
8 school systems provided by Chapter 1 of Title 21; Chapters
9 26A, 26B, and 26D of Title 16; and Article 4 of Title 44.

10 (h) (1) For the purposes of this section, "mental
11 health services" includes services, treatment, surveys, or
12 assessments relating to mental health, and "parent" includes a
13 student's parent or legal guardian, as applicable.

14 (2) No student of a public K-12 school under the age
15 of 14 may be allowed to participate in ongoing school
16 counseling services including, but not limited to, mental
17 health services, unless specific written instruction has been
18 granted by the student's parent, unless there is an imminent
19 threat to the health of the student or others. For the
20 purposes of this section, this written permission is referred
21 to as an opt-in.

22 (3) All local boards of education in this state
23 shall adopt a policy concerning parent opt-in for mental
24 health services. At a minimum, each policy shall contain the
25 following:

1 a. A provision for written notification, at least
2 annually, to parents about school provided or sponsored mental
3 health services. The notification shall include the purpose
4 and general description of each of the mental health services,
5 information regarding ways parents may review materials to be
6 used in guidance and counseling programs that are available to
7 students, and information regarding ways parents may allow,
8 limit, or prevent their student's participation in the
9 programs.

10 b. A provision requiring written permission by a
11 parent for his or her student to participate in mental health
12 services. This written permission shall be specific as to any
13 treatment and not broad in nature. This permission shall also
14 be required annually and may be rescinded at any time by
15 providing written notice to school administration.

16 c. If a parent elects to opt-in to mental health
17 services for his or her student, the counselor providing the
18 services shall keep the parent fully informed regarding
19 diagnosis, recommended counseling, or treatments, and the
20 parent shall have the authority to make final decisions
21 regarding counseling, and treatments.

22 d. A provision requiring all records pertaining to
23 mental health services to be treated as health care records
24 and kept separately from academic records.

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 16-FEB-22, as amended.

Jeff Woodard
Clerk

Senate	07-APR-22	Amended and Passed
House	07-APR-22	Passed, as amended by Conference Com- mittee Report
Senate	07-APR-22	Passed, as amended by Conference Com- mittee Report