

1 SB86
2 206886-2
3 By Senator Smitherman
4 RFD: Education Policy
5 First Read: 02-FEB-21
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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
20 at-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 safe and supportive school
9 frameworks 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 supportive school frameworks 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 and Hyperactivity Disorder (ADHD) and
12 students who lack the ability to appropriately manage anger
13 and other emotions, often causing chronic disability and
14 disadvantage in children and directly interfering with the
15 intellectual, social, and emotionally appropriate development
16 of students.

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

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

25 (5) When teachers are unable to manage disruptive
26 behavior in the classroom, learning for all students is

1 diminished because teachers spend more instructional time on
2 behavior management.

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

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

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

25 (9) Discipline policies, among other factors, set
26 the school culture and climate for all students. Research
27 indicates that the implementation of alternative, restorative

1 disciplinary practices can positively affect school climate
2 and individual connectedness, thus affecting school quality,
3 especially among lower-performing schools.

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

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

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

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

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

1 social-behavioral skills include, but are not limited to, the
2 inability to self-identify emotions, express thoughts and
3 emotions, perform healthy conflict resolution, manage anger,
4 and a diagnosis of Attention Deficit and Hyperactivity
5 Disorder (ADHD).

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

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

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

25 (2) Providing for one-on-one or small group mental
26 health consultations for students, including consultation with

1 counselors, mental health specialists, behavior specialists,
2 and family focused interventions.

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

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

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

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

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

1 (1) Enables students to develop positive
2 relationships with adults and peers, regulates the emotions
3 and behavior of students, achieves academic and non-academic
4 success in school, and maintains physical and psychological
5 health and well-being.

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

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

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

1 students, and representatives from community-based agencies
2 and providers.

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

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

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

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

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

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

24 (2) A timeline for implementing the strategies and
25 initiatives.

26 (3) Outcome goals and indicators for evaluating the
27 effectiveness of the strategies and initiatives set forth in

1 the action plan, which may include attendance and graduation
2 rates; bullying incidences; number of student suspensions and
3 expulsions; emotional, behavioral, and mental unbiased
4 assessment tools; number of office referrals; truancy and
5 tardiness rates; time spent on learning; and other measures of
6 school success.

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

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

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

24 Section 5. (a) Commencing with the 2022-2023 school
25 year, each local board of education in the state shall employ
26 a mental health service coordinator. The coordinator shall be
27 responsible for coordinating student mental health services

1 throughout the local school system with specific focus on Tier
2 II students.

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

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

6 (2) Satisfy department qualifications for a school
7 counselor.

8 (3) Satisfy department qualifications for a school
9 nurse.

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

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

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

21 (d) On or before the last day of the 2022 fiscal
22 year, and as requested thereafter, each local board of
23 education shall complete and submit to the Alabama Department
24 of Mental Health a needs assessment and resource map for the
25 schools under the jurisdiction of the board. The assessment
26 shall document the status of mental health for the entire
27 school system and allow the local board of education to engage

1 in a quality improvement process to improve the provision of
2 mental health resources to Tier II students within the school
3 system.

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

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

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