

1 SB92  
2 206886-2  
3 By Senator Smitherman  
4 RFD: Education Policy  
5 First Read: 02-FEB-21  
6 PFD: 01/27/2021

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.