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3 SMITHERMAN SUBSTITUTE FOR SB92  
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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 who are considered at-risk for  
12 developing inadequate social-behavioral skills,  
13 such as ADHD or anger management issues, in the  
14 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.

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25                                   A BILL  
26                                   TO BE ENTITLED  
27                                   AN ACT

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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 who are considered at-risk for  
5 developing inadequate social-behavioral skills, such as ADHD  
6 or anger management issues, in the classroom; to require the  
7 department to provide guidance for school districts in  
8 establishing safe and supportive school frameworks to support  
9 schools in fostering a positive and healthy learning  
10 environment and improve student outcomes; to require the  
11 department to provide support to school districts in adopting  
12 supportive school frameworks and developing an action plan to  
13 improve the learning, emotional, and socially appropriate  
14 environment in schools throughout the district; to require  
15 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 likely to  
18 have social, emotional, and behavioral 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 had adverse childhood experiences are more likely to have  
23 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) Outcomes for students who have inadequate or  
9 inappropriate social, emotional, or behavioral skills may  
10 include being retained in a grade, receiving services and  
11 supports through Individual Education Plans or 504 Plans,  
12 being 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 may negatively affect a student's academic success  
19 and 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 are among the factors that  
24 set 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 OR SOCIAL- EMOTIONAL AT RISK  
22 STUDENTS. That population of public K-12 students who are  
23 considered at-risk for developing inadequate social-behavioral  
24 skills, such as ADHD or anger management issues, or inadequate  
25 social emotional skills in the classroom.

26 (3) SOCIAL-BEHAVIORAL SKILLS. Non-cognitive skills  
27 and executive functioning including, but not limited to, the

1 ability to attend to tasks; shift attention in response to  
2 expectations; inhibit socially inappropriate responses;  
3 process, remember, and use information; and manage emotions  
4 such as frustration, anger, and stress. Examples of inadequate  
5 social-behavioral skills may include the inability to  
6 self-identify emotions, express thoughts and emotions, perform  
7 healthy conflict resolution, manage anger, or a diagnosis of  
8 Attention Deficit and Hyperactivity Disorder (ADHD).

9 Section 3. (a) The department shall develop a  
10 comprehensive program to address the mental health of  
11 social-behavioral or social-emotional at risk students. The  
12 program shall provide for all of the 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 available to all public K-12 teachers that  
17 includes, but is not limited to, recognizing signs of  
18 inadequate social-behavioral skills in a student and best  
19 practices for 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 or 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 best works for the  
11 school and community and reflects 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 social-behavioral or  
16 social-emotional at risk students learn age-appropriate  
17 social-behavioral skills, to assist teachers and other  
18 professionals in managing social-behavioral or  
19 social-emotional at risk students' behavioral problems in a  
20 classroom setting, and to prevent or minimize class  
21 disruptions.

22           Section 4. (a) In order to improve educational  
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, to self regulate emotions  
3 and behaviors, achieve academic and non-academic success in  
4 school, and to maintain health and well-being.

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

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

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

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

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

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

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

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

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

23 (1) Strategies and initiatives for addressing the  
24 areas of need.

25 (2) A timeline for implementing the plan.

26 (3) Outcome goals and indicators for evaluating the  
27 effectiveness of the action plan.

1           (4) A process and schedule for reviewing the plan  
2 annually or biannually and updating it at least once every  
3 three years.

4           (e) The department shall facilitate the  
5 implementation of the safe and supportive schools framework in  
6 school systems developing and implementing an action plan by  
7 providing technical assistance to school systems and  
8 developing and disseminating model protocols and best  
9 practices.

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

18           Section 5. (a) Commencing with the 2022-2023 school  
19 year, each local board of education in the state shall employ  
20 a mental health service coordinator. The coordinator shall be  
21 responsible for coordinating student mental health services  
22 throughout the local school system.

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

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

26           (2) Satisfy department qualifications for a school  
27 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.