

1 SB40
2 216841-3
3 By Senator Smitherman
4 RFD: Education Policy
5 First Read: 11-JAN-22

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to public K-12 education, to require the
12 State Department of Education to develop a program to address
13 the mental health of students who are considered at-risk for
14 developing inadequate social-behavioral skills, such as ADHD
15 or anger management issues, in the classroom; to require the
16 department to provide guidance for school districts in
17 establishing safe and supportive school frameworks to support
18 schools in fostering a positive and healthy learning
19 environment and improve student outcomes; to require the
20 department to provide support to school districts in adopting
21 supportive school frameworks and developing an action plan to
22 improve the learning, emotional, and socially appropriate
23 environment in schools throughout the district; to require
24 each local board of education in the state, subject to
25 appropriations by the Legislature, to employ a mental health
26 service coordinator; to provide for the qualifications and
27 duties of the mental health service coordinator; to require

1 each local board of education to complete and submit a needs
2 assessment relating to the provision of mental health
3 resources to students; and to provide for the responsibilities
4 of the State Department of Education, the State Board of
5 Education, and the Alabama Department of Mental Health.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. The Legislature finds all of the
8 following:

9 (1) The State Department of Education and the public
10 K-12 schools of the state provide effective targeted intensive
11 intervention strategies for the population of high risk
12 students and proactive strategies that promote the mental
13 health of the general student population, with no specific
14 intervention strategies for students considered at-risk for
15 developing inadequate social-behavioral skills.

16 (2) There is a prevalence of students in public K-12
17 schools who lack age-appropriate social, emotional, and
18 behavioral skills including, but not limited to, students with
19 Attention Deficit and Hyperactivity Disorder (ADHD) and
20 students who lack the ability to appropriately manage anger
21 and other emotions, often causing chronic disability and
22 disadvantage in children and directly interfering with the
23 intellectual, social, and emotionally appropriate development
24 of students.

25 (3) Students living in poverty are more likely to
26 have social, emotional, and behavioral difficulties.

1 (4) Poverty increases the likelihood that children
2 will be exposed to multiple adverse childhood experiences such
3 as experiencing or witnessing violence, and children who have
4 had adverse childhood experiences are more likely to have
5 behavior problems.

6 (5) When teachers are unable to manage disruptive
7 behavior in the classroom, learning for all students is
8 diminished because teachers spend more instructional time on
9 behavior management.

10 (6) It is essential that students, teachers, and
11 school staff receive consistent and continuing instruction on
12 appropriate methods of addressing the root of perceived
13 disruptive behavior and the means of correcting those
14 behaviors in a manner that does not hinder the educational
15 progress of the student or the social, emotional, or
16 behavioral growth and development of the student.

17 (7) Outcomes for students who have inadequate or
18 inappropriate social, emotional, or behavioral skills may
19 include being retained in a grade, receiving services and
20 supports through Individual Education Plans or 504 Plans,
21 being suspended or expelled from school, or the development of
22 additional or worsening of social, emotional, or behavioral
23 issues or challenges, all of which are costly to families,
24 schools, and the larger community.

25 (8) Discipline policies that emphasize the
26 exclusionary practices of suspension or expulsion from the
27 classroom may negatively affect a student's academic success

1 and behavioral health, increasing the likelihood of his or her
2 involvement in the criminal justice system, and decreasing the
3 student's likelihood of completing high school, which all come
4 with substantial social and economic costs.

5 (9) Discipline policies are among the factors that
6 set the school culture and climate for all students. Research
7 indicates that the implementation of alternative, restorative
8 disciplinary practices can positively affect school climate
9 and individual connectedness, thus affecting school quality,
10 especially among lower-performing schools.

11 (10) Teachers often lack the training and resources
12 needed to appropriately address, assist, and effectively teach
13 disruptive students who lack age-appropriate social,
14 emotional, and behavioral skills.

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

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

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

2 (2) SOCIAL-BEHAVIORAL OR SOCIAL- EMOTIONAL AT RISK
3 STUDENTS. That population of public K-12 students who are
4 considered at-risk for developing inadequate social-behavioral
5 skills, such as ADHD or anger management issues, or inadequate
6 social emotional skills in the classroom.

7 (3) SOCIAL-BEHAVIORAL SKILLS. Non-cognitive skills
8 and executive functioning including, but not limited to, the
9 ability to attend to tasks; shift attention in response to
10 expectations; inhibit socially inappropriate responses;
11 process, remember, and use information; and manage emotions
12 such as frustration, anger, and stress. Examples of inadequate
13 social-behavioral skills may include the inability to
14 self-identify emotions, express thoughts and emotions, perform
15 healthy conflict resolution, manage anger, or a diagnosis of
16 Attention Deficit and Hyperactivity Disorder (ADHD).

17 Section 3. (a) The department shall develop a
18 comprehensive program to address the mental health of
19 social-behavioral or social-emotional at risk students. The
20 program shall provide for all of the following:

21 (1) Ongoing support for teachers to positively and
22 effectively manage the behavioral problems of the student in
23 the classroom through formal professional development and
24 inservice training available to all public K-12 teachers that
25 includes, but is not limited to, recognizing signs of
26 inadequate social-behavioral skills in a student and best
27 practices for schools and classrooms in managing inadequate

1 social-behavioral skills, including using multi-tiered systems
2 of support. The department may allow teachers to receive
3 credit in continuing professional education for participation
4 in a training course.

5 (2) Providing for one-on-one or small group mental
6 health consultations for students, including consultation with
7 counselors, mental health specialists, behavior specialists,
8 or family focused interventions.

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

11 (4) Strengthening parenting capacities through
12 parenting programs to support a student's social-behavioral
13 competence and create parent, school, student partnerships
14 that promote the development of the whole student and family
15 structure.

16 (b) The program shall be designed in a manner that
17 allows flexibility among schools and school districts to
18 tailor the elements of the program that best works for the
19 school and community and reflects current best practices in
20 addressing behavioral problems in the classroom.

21 (c) The department shall create a self-assessment
22 tool for schools and school districts to determine whether the
23 program is effectively helping social-behavioral or
24 social-emotional at risk students learn age-appropriate
25 social-behavioral skills, to assist teachers and other
26 professionals in managing social-behavioral or
27 social-emotional at risk students' behavioral problems in a

1 classroom setting, and to prevent or minimize class
2 disruptions.

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

9 (1) Enables students to develop positive
10 relationships with adults and peers, to self regulate emotions
11 and behaviors, achieve academic and non-academic success in
12 school, and to maintain health and well-being.

13 (2) Integrates services and aligns initiatives that
14 promote the behavioral health of students, including social
15 and emotional learning, bullying prevention, trauma
16 sensitivity, dropout prevention, truancy reduction, nutrition,
17 mental health, foster care and homeless youth education,
18 inclusion of students with disabilities, positive behavioral
19 approaches that reduce suspensions and expulsions, and other
20 similar initiatives.

21 (b) (1) Subject to appropriations by the Legislature,
22 each local board of education shall implement the safe and
23 supportive schools framework developed under subsection (a) in
24 order to organize, integrate, and sustain school and
25 district-wide efforts to create safe and supportive school
26 environments and coordinate and align student prevention and
27 support initiatives.

1 (2) Each school system implementing the safe and
2 supportive schools framework shall also develop an action plan
3 as further provided in subsection (d). The local
4 superintendent of education may appoint a team to make
5 recommendations concerning the development of this action
6 plan, provided a team shall include a broad representation of
7 the school and local community, and the superintendent shall
8 include teachers and other school personnel, parents,
9 students, and representatives from community-based agencies
10 and providers.

11 (c) The department may create a separate
12 self-assessment tool organized according to the elements of
13 the framework established under subsection (a) for schools to
14 use when developing their action plan. The self-assessment
15 tool shall be used by school systems to do all of the
16 following:

17 (1) Assess the capacity of the school system to
18 create and sustain safe and supportive school environments for
19 all students.

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

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

26 (d) School action plans shall be designed to address
27 the areas of need identified through the use of the

1 self-assessment tool described in subsection (c), shall be
2 published on the website of the school district, and shall
3 include all of the following:

4 (1) Strategies and initiatives for addressing the
5 areas of need.

6 (2) A timeline for implementing the plan.

7 (3) Outcome goals and indicators for evaluating the
8 effectiveness of the action plan.

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

12 (e) The department shall facilitate the
13 implementation of the safe and supportive schools framework in
14 school systems developing and implementing an action plan by
15 providing technical assistance to school systems and
16 developing and disseminating model protocols and best
17 practices.

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

26 Section 5. (a) Commencing with the 2023-2024 school
27 year, each local board of education in the state shall employ

1 a mental health service coordinator. The coordinator shall be
2 responsible for coordinating student mental health services
3 throughout the local school system.

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

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

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

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

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

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

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

22 (d) On or before the last day of the 2023 fiscal
23 year, and as requested thereafter, each local board of
24 education shall complete and submit to the Alabama Department
25 of Mental Health a needs assessment and resource map for the
26 schools under the jurisdiction of the board. The assessment
27 shall document the status of mental health for the entire

1 school system and allow the local board of education to engage
2 in a quality improvement process to improve the provision of
3 mental health resources within the school 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.

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17

Senate

Read for the first time and referred to the Senate
committee on Education Policy..... 11-JAN-22

Read for the second time and placed on the calen-
dar with 1 substitute and..... 02-FEB-22

Read for the third time and passed as amended 09-FEB-22

Yeas 28
Nays 1

Patrick Harris,
Secretary.