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3 HOUSE WAYS AND MEANS EDUCATION COMMITTEE SUBSTITUTE FOR SB92,

4 AS ENGROSSED

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9 SYNOPSIS: This bill would require the State Department
10 of Education, to the extent not previously
11 developed, to develop a program to specifically
12 address the mental health of that population of
13 public K-12 students who are considered at-risk for
14 developing inadequate social-behavioral skills,
15 such as ADHD or anger management issues, in the
16 classroom.

17 This bill would provide that the program
18 include developing and providing professional
19 development training, providing mental health
20 consultations with students and behavioral
21 specialists, and developing curricula for those
22 at-risk students to learn appropriate
23 social-behavioral skills.

24 This bill would require the department to
25 provide guidance and best practices for each school
26 district in establishing safe and supportive

1 schools, fostering a positive and healthy learning
2 environment, and improving student outcomes.

3 This bill would require the department to
4 provide support to each school district in adopting
5 supportive school guidance and developing an action
6 plan to improve the learning environment throughout
7 the school system.

8 This bill would establish and provide for
9 the qualifications and duties of a mental health
10 service coordinator and would require each local
11 board of education in the state, subject to
12 appropriations by the Legislature, to employ a
13 mental health service coordinator to serve those
14 schools under the jurisdiction of the board.

15 This bill would provide for the
16 responsibilities of the State Department of
17 Education and the Alabama Department of Mental
18 Health in providing continuing evaluation and
19 support of mental health services provided to
20 students through local boards of education.

21 This bill would also provide for the
22 responsibilities of the State Department of
23 Education, the State Board of Education, and the
24 Alabama Department of Mental Health relating to the
25 program.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 Relating to public K-12 education, to require the

5 State Department of Education to develop a program to address

6 the mental health of students who are considered at-risk for

7 developing inadequate social-behavioral skills, such as ADHD

8 or anger management issues, in the classroom; to require the

9 department to provide guidance and best practices for school

10 districts in establishing safe and supportive schools,

11 fostering a positive and healthy learning environment, and

12 improving student outcomes; to require the department to

13 provide support to school districts in adopting supportive

14 school guidance and developing an action plan to improve the

15 learning, emotional, and socially appropriate environment in

16 schools throughout the district; to require each local board

17 of education in the state, subject to appropriations by the

18 Legislature, to employ a mental health service coordinator; to

19 provide for the qualifications and duties of the mental health

20 service coordinator; to require each local board of education

21 to complete and submit a needs assessment relating to the

22 provision of mental health resources to students; and to

23 provide for the responsibilities of the State Department of

24 Education, the State Board of Education, and the Alabama

25 Department of Mental Health.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds all of the following:

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

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

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

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

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

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

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

(8) Discipline policies are among the factors that set the school culture and climate for all students. Research indicates that the implementation of alternative, restorative disciplinary practices can positively affect school climate

1 and individual connectedness, thus affecting school quality,
2 especially among lower-performing schools.

3 (9) 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 (10) 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

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

Section 3. (a) The department, to the extent not previously developed, shall develop a comprehensive program to address the mental health of social-behavioral or social-emotional at-risk students. The program shall provide for all of the following:

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

(2) Providing for mental health consultations for students including, but not limited to, consultation with counselors, mental health specialists, behavior specialists,

1 family focused interventions, or referrals to the local
2 community mental health center.

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

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

11 (5) For students who are identified as higher risk
12 than the general population or who need more intensive
13 intervention strategies, the department, to the extent
14 reasonably possible, shall coordinate programming or efforts
15 with the Alabama Department of Mental Health to deliver or
16 coordinate assistance. A mental health service coordinator may
17 refer the student to the local community mental health center
18 as part of the school-based mental health collaboration.

19 (b) The program shall be designed in a manner that
20 allows flexibility among schools and school districts to
21 tailor the elements of the program that best works for the
22 school and community, reflects current best practices in
23 addressing behavioral problems in the classroom, and for which
24 funding is available.

25 (c) The department shall create a self-assessment
26 tool for schools and school districts to determine whether the
27 programming contemplated under this act is effectively helping

social-behavioral or social-emotional at-risk students learn age-appropriate social-behavioral skills, is assisting teachers and other professionals in managing social-behavioral or social-emotional at-risk students' behavioral problems in a classroom setting, and is preventing or reducing class disruptions.

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

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

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

(b) (1) Subject to appropriations by the Legislature, each local board of education shall implement the safe and supportive schools guidance developed under subsection (a) in

1 order to organize, integrate, and sustain school and
2 district-wide efforts to create safe and supportive school
3 environments and coordinate and align student prevention and
4 support initiatives.

5 (2) Each school system implementing the safe and
6 supportive schools guidance shall also develop an action plan
7 as further provided in subsection (d). The local
8 superintendent of education may appoint a team to make
9 recommendations concerning the development of this action
10 plan, provided a team shall include representatives of the
11 school and local community, and the superintendent shall
12 include teachers and other school personnel, parents,
13 students, and representatives from community-based agencies
14 and providers, including the local community mental health
15 center.

16 (c) The department may create a separate
17 self-assessment tool organized according to the elements of
18 the guidance established under subsection (a) that schools may
19 use when developing their action plan. The self-assessment
20 tool may be used by school systems to do all of the following:

21 (1) Assess the capacity of the school system to
22 create and sustain safe and supportive school environments for
23 all students.

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

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

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

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

(2) A timeline for implementing the plan.

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

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

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

(f) Nothing in this section shall be construed as limiting the ability of the department to contract with individuals, external partners, or other entities to support the functions established under this section. The department shall consider opportunities for partnership with the Alabama

Department of Mental Health or local community mental health centers, education collaboratives, or other regional service organizations to provide technical assistance and information to school districts on the implementation of the guidance and action plans.

Section 5. (a) Commencing with the 2022-2023 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.

(2) Satisfy department qualifications for a school psychologist.

(3) Satisfy department qualifications for a school counselor.

(4) Satisfy department qualifications for a school nurse.

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

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

(c) Within one year after being hired as a mental health service coordinator, an individual shall earn a

1 school-based mental health certificate by successfully
2 completing a certification program developed by the Alabama
3 Department of Mental Health.

4 (d) On or before the last day of the 2022 fiscal
5 year, and as requested thereafter, each local board of
6 education shall complete and submit to the Alabama Department
7 of Mental Health a needs assessment and resource map for the
8 schools under the jurisdiction of the board. The assessment
9 shall document the status of mental health for the entire
10 school system and allow the local board of education to engage
11 in a quality improvement process to improve the provision of
12 mental health resources within the school system.

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

15 Section 6. The State Board of Education and the
16 Alabama Department of Mental Health shall adopt rules and
17 policies as applicable, appropriate, and necessary to
18 implement this act.

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