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3 CONFERENCE COMMITTEE SUBSTITUTE FOR HB123  
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8 SYNOPSIS: 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 also provide for the  
16 responsibilities of the Alabama Department of  
17 Mental Health and the State Department of Education  
18 in providing continuing evaluation and support of  
19 mental health services provided to students through  
20 local boards of education.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT  
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26 Relating to public K-12 education; to require each  
27 local board of education and independent school system in the

1 state, subject to appropriations by the Legislature, to employ  
2 a mental health service coordinator; to provide for the  
3 qualifications and duties of the mental health service  
4 coordinator; to require each local board of education and  
5 independent school system to complete and submit a needs  
6 assessment relating to the provision of mental health  
7 resources to students; to provide for the responsibilities of  
8 the Alabama Department of Mental Health and the State  
9 Department of Education; to require a local board of education  
10 to adopt a policy requiring parents to opt-in for mental  
11 health services; and to provide for policy requirements.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) Subject to appropriations by the  
14 Legislature, commencing with the 2023-2024 school year, each  
15 local board of education in the state shall employ a mental  
16 health service coordinator. The coordinator shall be  
17 responsible for coordinating student mental health services  
18 throughout the local school system.

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

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

22 (2) Satisfy State Department of Education  
23 qualifications for a school counselor.

24 (3) Satisfy State Department of Education  
25 qualifications for a school nurse.

26 (4) Have professional mental health experience, or  
27 have been licensed in a mental health occupation including,

1 but not limited to, licensure as a licensed professional  
2 counselor or marriage and family therapist.

3 (5) Other qualifications as determined by the  
4 Alabama Department of Mental Health and the State Department  
5 of Education.

6 (c) Within one year after being hired as a mental  
7 health service coordinator, an individual shall earn a  
8 school-based mental health certificate by successfully  
9 completing a certification program developed by the Alabama  
10 Department of Mental Health.

11 (d) On or before the last day of the 2021 fiscal  
12 year, and as requested thereafter, each local board of  
13 education shall complete, and submit to the Alabama Department  
14 of Mental Health, a needs assessment and resource map for the  
15 schools under the jurisdiction of the board. The assessment  
16 shall document the status of mental health for the entire  
17 school system and allow the local board of education to engage  
18 in a quality improvement process to improve the provision of  
19 mental health resources to students within the school system.

20 (e) The Alabama Department of Mental Health and the  
21 State Department of Education may adopt rules and policies as  
22 necessary for implementation of this section.

23 (f) The administration of this act shall be subject  
24 to appropriations made by the Legislature.

25 (g) As used in this section, the term "local board  
26 of education" and "school system" shall include the schools or

1 school systems provided by Chapter 1 of Title 21; Chapters  
2 26A, 26B, and 26D of Title 16; and Article 4 of Title 44.

3 (h) (1) For the purposes of this section, "mental  
4 health services" includes services, treatment, surveys, or  
5 assessments relating to mental health, and "parent" includes a  
6 student's parent or legal guardian, as applicable.

7 (2) No student of a public K-12 school under the age  
8 of 14 may be allowed to participate in ongoing school  
9 counseling services including, but not limited to, mental  
10 health services, unless specific written instruction has been  
11 granted by the student's parent, unless there is an imminent  
12 threat to the health of the student or others. For the  
13 purposes of this section, this written permission is referred  
14 to as an opt-in.

15 (3) All local boards of education in this state  
16 shall adopt a policy concerning parent opt-in for mental  
17 health services. At a minimum, each policy shall contain the  
18 following:

19 a. A provision for written notification, at least  
20 annually, to parents about school provided or sponsored mental  
21 health services. The notification shall include the purpose  
22 and general description of each of the mental health services,  
23 information regarding ways parents may review materials to be  
24 used in guidance and counseling programs that are available to  
25 students, and information regarding ways parents may allow,  
26 limit, or prevent their student's participation in the  
27 programs.

1           b. A provision requiring written permission by a  
2 parent for his or her student to participate in mental health  
3 services. This written permission shall be specific as to any  
4 treatment and not broad in nature. This permission shall also  
5 be required annually and may be rescinded at any time by  
6 providing written notice to school administration.

7           c. If a parent elects to opt-in to mental health  
8 services for his or her student, the counselor providing the  
9 services shall keep the parent fully informed regarding  
10 diagnosis, recommended counseling, or treatments, and the  
11 parent shall have the authority to make final decisions  
12 regarding counseling, and treatments.

13           d. A provision requiring all records pertaining to  
14 mental health services to be treated as health care records  
15 and kept separately from academic records.

16           Section 2. This act shall become effective on the  
17 first day of the third month following its passage and  
18 approval by the Governor, or its otherwise becoming law.