



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Eric G. Mackey, Ed.D.  
State Superintendent of Education

September 29, 2025

**MEMORANDUM**

**TO:** City and County Superintendents of Education

**FROM:** Eric G. Mackey *EGM*  
State Superintendent of Education

**RE:** Updates to Mental Health Services Notification

[Alabama Act 2022-442](#) mandates each local education agency (LEA) and independent school system employs a mental health services coordinator and the adoption of a parental opt-in policy for school-based mental health services. Local board policies must include, at a minimum:

- Annual written notification to parents about school-provided or school-sponsored mental health services.
- A requirement that mental health service records be treated as health care records, stored separately from academic records.
- A provision requiring written permission by a parent for his or her student to participate in mental health services.

The updates introduced by [Alabama Act 2025-455](#) require students under 16 years of age to have written parental permission to participate in ongoing school counseling or mental health services. Additionally, Act 2025-455 expands the definition of the term “mental health services” as follows:

“mental health services” includes services, treatment, surveys, or assessments relating to mental health, including, but not limited to, guidance counseling and any programming offered by an employee or independent contractor of a local board of education relating to mental health, suicide counseling, or bullying counseling[.]

Instruction, advisement, and occasional interventions are not subject to opt-in requirements, as these are regular duties of school counselors and other educators. If ongoing school counseling services are needed, parental permission is required prior to scheduling a student for additional school counseling services. When a student needs support beyond school counseling services to address mental health issues or to provide long-term support after a crisis, it is the ethical duty of school counselors, mental health services coordinators, and other appropriate school personnel to refer students and parents to other school or community resources for additional assistance.

Each LEA must define the roles of all personnel based on local needs. Roles and clearly defined job descriptions are vital to develop common understanding and work effectively and collaboratively together. [Alabama Act 2025-455](#) requires compliance with applicable law, and LEAs should consult their local school board attorney to ensure local policies are in compliance.

As a reminder, Alabama Law requires any person who knows or has reasonable cause to believe or suspect that a child has been abused or neglected or who observes any child being subjected to conditions or circumstances that would reasonably result in abuse must report suspected abuse or neglect immediately via oral communication (e.g., phone or in-person), followed by a written report to the Department of Human Resources, law enforcement, or the District Attorney.

If you have any questions, contact Mr. Sean J. Stevens or Dr. Kay A. Warfield, Instructional Services, by telephone at (334) 694-4768.

EGM:TH:SJS

cc: Mrs. Angela Martin  
Dr. Autumm Jeter  
Dr. Melissa Shields  
Mr. Sean J. Stevens  
Dr. Kay A. Warfield

**FY25-1021**