

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 290 Department or Agency State Department of Education
Chapter No. 290-4-5.08

Chapter Title: Mental Health Service Coordinators
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any matter any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Eric G. Mackey
Eric G. Mackey
State Superintendent of Education

Date 6-30-2022

REC'D & FILED
JUL 19 2022
LEGISLATIVE SVC AGENCY

APA-2
07/04

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: 290-4-5-.05, Mental Health Service Coordinator

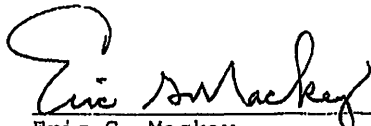
INTENDED ACTION: The Department of Education proposes to adopt a new Rule 290-4-5-.05

SUBSTANCE OF PROPOSED ACTION: The Alabama State Board of Education will adopt a new Rule 290-4-5-.05 to provide a Mental Health Service Coordinator Program to be consistent with Act 2022-442 (HB 123) for every Local Education Agency and Public Independent Schools to support a safe leaning environment.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m., on September 8, 2022, at the Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-694-4900) no later than August 29, 2022, to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 8, 2022

CONTACT PERSON AT AGENCY: Dr. Marilyn Lewis
Coordinator Prevention AND Support
P.O. Box 302101
Montgomery, Alabama 36130-2101
(334-694-4717)


Eric G. Mackey
State Superintendent of Education

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

RULE 290-4-5
STUDENT HEALTH SERVICES

290-4-5-.05 Mental Health Service Coordinator Program

(1) Subject to appropriations by the Legislature, commencing with the 2023-2024 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, subject to the provisions of Act 2022-422.

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

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

(b) Satisfy State Department of Education qualifications for a school counselor.

(c) Satisfy State Department of Education qualifications for a school nurse.

(c) 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.

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

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

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

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

(b) For the purposes of this section, "mental health services" includes services, treatment, surveys, or assessments relating to mental health, and "ongoing school counseling services" shall not include those school counseling services which are split into domains not requiring a mental health therapist or other mental health therapeutic license.

(c) All local boards of education in this state shall adopt a policy concerning parent opt-in for mental health services in accordance with the provisions of subsection (h)(3) of Act 2022-442.

Authors: Eric G. Mackey

Statutory Authority: Act 2022-442

History: Amended: Filed _____; effective _____.