

HOUSE BILL No. 2420

By Representative Steele

1-7

1 AN ACT concerning education; relating to school districts; requiring
2 parental consent prior to providing any school-based mental health
3 service to a student; establishing exceptions to such requirement;
4 authorizing the imposition of a civil penalty for each violation thereof.
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) No school district or employee or agent thereof shall
8 initiate or provide any school-based mental health service for a student
9 unless, prior to initiating or providing the service, the student's parent or
10 person acting as parent:

11 (1) Is notified both through a direct verbal communication and a
12 written communication that provides information regarding the purpose,
13 expected time frame and plan for the school-based mental health service;
14 and

15 (2) provides written consent through a written or electronic
16 signature to authorize the provision of the school-based mental health
17 service.

18 (b) Notwithstanding the provisions of this section, if any school
19 district employee becomes aware that a student may be at risk of suicide
20 by a credible report from the student, the student's peers or another school
21 district employee, the school personnel who are designated by the school
22 district to administer a suicide risk assessment or screening tool may
23 administer such risk assessment or screening tool in accordance with the
24 provisions of K.S.A. 72-6316(f), and amendments thereto.

25 (c) (1) If any school district or employee or agent thereof violates the
26 provisions of this section, the school district shall be liable for the payment
27 of a civil penalty in an amount of \$5,000 for each violation. Such civil
28 penalty shall be recoverable in an action brought by the attorney general or
29 county or district attorney.

30 (2) Any civil penalty recovered by the attorney general shall be
31 remitted to the state treasurer in accordance with the provisions of K.S.A.
32 75-4215, and amendments thereto. Upon receipt of each such remittance,
33 the treasurer shall deposit the entire amount in the state treasury to the
34 credit of the state general fund.

35 (3) Any civil penalty recovered by a county or district attorney shall
36 be remitted to the county treasurer and deposited into the general fund of

1 the county where the proceedings occurred.

2 (d) As used in this section:

3 (1) "Agent" means any person who is not regularly employed by a
4 school district but provides a service for the school district that requires
5 such person to be present in a school of the school district or to come into
6 contact with students of the school district during the regular hours of the
7 school day. "Agent" includes, but is not limited to, any person employed
8 by a service provider that the school district contracts with for services,
9 student teachers and volunteers.

10 (2) "Employee" means any person regularly employed by a school
11 district to perform services for the school district, including, but not
12 limited to, teachers, school specialists, administrators, school nurses,
13 librarians and paraprofessionals.

14 (3) "Parent" and "person acting as parent" mean the same as defined
15 in K.S.A. 72-3127, and amendments thereto.

16 (4) "School-based mental health service" means any program,
17 intervention or strategy applied in a school setting that is specifically
18 designed to influence a student's emotional, behavioral or social
19 functioning. "School-based mental health service" includes interventions
20 to address mental health concerns that are provided under tier 2 and tier 3
21 of the multi-tiered system of supports framework. "School-based mental
22 health service" does not include interventions to address mental health
23 concerns that are provided universally under tier 1 of the multi-tiered
24 system of supports framework.

25 Sec. 2. This act shall take effect and be in force from and after its
26 publication in the statute book.