

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1323

By: Representative Vaught

## For An Act To Be Entitled

AN ACT TO CREATE CHILD MENTAL HEALTH SCREENING PROGRAMS IN SCHOOLS AND CHILD CARE FACILITIES FOR CHILDREN FROM BIRTH TO NINETEEN YEARS OF AGE; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE CHILD MENTAL HEALTH SCREENING PROGRAMS IN SCHOOLS AND CHILD CARE FACILITIES FOR CHILDREN FROM BIRTH TO NINETEEN YEARS OF AGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 45, is amended to add an additional subchapter to read as follows:

### Subchapter 4 - Child Mental Health Screenings

#### 20-45-401. Purpose.

The purpose of this subchapter is to advance mental healthcare quality and access for children and adolescents from birth to nineteen (19) years of age in this state and to ensure that all children and adolescents from birth to nineteen (19) years of age in this state have the best possible mental health outcomes.

#### 20-45-402. Definitions.

As used in this subchapter:

(1) "Childcare facility" means the same as defined in § 20-78-



202;

(2) "Mental health screening program" means a child mental health screening program selected by a public school, open enrollment charter school, private school, or childcare facility that has been approved by the Department of Human Services in consultation with the Department of Education; and

(3) "Participating student" means a child or student who:

(A) Is nineteen (19) years of age or younger;

(B) Is enrolled in a public school, open enrollment charter school, private school, or childcare facility; and

(C) Participates in a mental health screening program upon the consent of his or her parent.

20-45-403. Child mental health screening.

(a) A public school, open enrollment charter school, private school, or childcare facility shall implement a mental health screening for participating students using an evidence-based screening program.

(b) The Department of Human Services shall establish:

(1) A process for a public school, open enrollment charter school, private school, or childcare facility to submit a selected mental health screening program for approval;

(2) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, who may access and use a participating student's mental health screening data; and

(3) A requirement and a process for a public school, open enrollment charter school, private school, or childcare facility or personnel to attend annual training related to administering the mental health screening program.

(c) In consultation with the Department of Education, the Department of Human Services shall approve an evidence-based student mental health screening program selected by a public school, open enrollment charter school, private school, or childcare facility that:

(1) Is age appropriate for each age in which the mental health screening program is administered;

(2) Screens for the mental health conditions determined by the Department of Human Services and the Department of Education; and

(3) Is an effective tool for identifying whether a participating student has a mental health condition that requires intervention.

(d) A public school, open enrollment charter school, private school, or childcare facility shall:

(1) Submit a mental health screening program to the Department of Human Services for approval;

(2) Administer a mental health screening program to participating students;

(3) Obtain prior written consent from a student's parent that complies with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, before the public school, open enrollment charter school, private school, or childcare facility administers the mental health screening program to a participating student; and

(4) If results of a mental health screening of a participating student indicates a potential mental health condition, notify the parent of the participating student of:

(A) The participating student's results; and

(B) Resources available to the participating student, including any services that can be provided by a school mental health provider or a partnering entity.

(e)(1) If funds are appropriated, the Department of Human Services may distribute funds to a public school, open enrollment charter school, private school, or childcare facility to use to assist a parent to pay for resources described in subdivision (d)(4)(B) of this section that cannot be provided by a school mental health professional in the school setting.

(2) The Department of Human Services shall establish the criteria and process for:

(A) Determining whether a parent is eligible to receive the financial support described in subdivision (e)(1) of this section; and

(B) Applying for and distributing the financial support described in subdivision (e)(1) of this section.

(f) An employee of a public school, open enrollment charter school, private school, or childcare facility who is trained and administers an approved mental health screening in accordance with this section in good faith is not liable in a civil action for an act or omission under this section.