

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

HOUSE BILL 1323

5 By: Representative Vaught  
6

## For An Act To Be Entitled

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

14 TO CREATE CHILD MENTAL HEALTH SCREENING  
15 PROGRAMS IN SCHOOLS AND CHILD CARE  
16 FACILITIES FOR CHILDREN FROM BIRTH TO  
17 NINETEEN YEARS OF AGE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code Title 20, Chapter 45, is amended to add an  
24 additional subchapter to read as follows:

### Subchapter 4 - Child Mental Health Screenings

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

25 The purpose of this subchapter is to advance mental healthcare quality  
26 and access for children and adolescents from birth to nineteen (19) years of  
27 age in this state and to ensure that all children and adolescents from birth  
28 to nineteen (19) years of age in this state have the best possible mental  
29 health outcomes.  
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#### 20-45-402. Definitions.

33 As used in this subchapter:

34 (1) "Childcare facility" means the same as defined in § 20-78-  
35  
36



1 202;

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

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

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

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

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

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14 20-45-403. Child mental health screening.

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

18 (b) The Department of Human Services shall establish:

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

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

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

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

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

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

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

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

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

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

9                 (3) Obtain prior written consent from a student's parent that  
10 complies with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
11 1232g, before the public school, open enrollment charter school, private  
12 school, or childcare facility administers the mental health screening program  
13 to a participating student; and

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

17                         (A) The participating student's results; and

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

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

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

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

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

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