

As Amended by House Committee

Session of 2026

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 signature
16 to authorize the provision of the school-based mental health service.

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

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

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

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

1 (d) As used in this section:

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

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

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

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

23 (A) Interventions to address mental health concerns that are provided
24 universally ~~under tier 1 of the multi-tiered system of supports framework~~
25 **to multiple students; or**

26 (B) **any intervention that is provided as a one-time emergency**
27 **intervention or as an initial intervention to address an emergency**
28 **mental health concern with a student.**

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