

SESSION OF 2026

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2420**

As Amended by House Committee on Education

**Brief\***

HB 2420, as amended, would prohibit school districts from providing any school-based mental health service to a student without first notifying and obtaining written consent from a student's parent or the person acting as parent, impose a civil penalty for violations, and define terms, including "school-based mental health service."

***Parental Consent***

Before any school-based mental health service could be provided to a student, the bill would require school districts and their employees and agents to:

- Notify a student's parent or person acting as parent through a direct verbal communication and a written communication that provides information regarding the purpose, expected time frame, and plan for the school-based mental health service; and
- Obtain from a student's parent or person acting as parent written consent through written or electronic signature to authorize the provision of the school-based mental health service.

The bill would make an exception if any school district employee becomes aware that a student may be at risk of suicide by a credible report from the student, the student's

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

peers, or another school district employee, and designated school personnel would be authorized to administer a suicide risk assessment or screening tool in accordance with current law.

### ***Violations***

The bill would impose a civil penalty of \$5,000 for each violation, and the school district would be liable for the payment of such violation. The bill would make each civil penalty recoverable in an action brought by the Attorney General or the applicable county or district attorney.

Any civil penalty recovered by the Attorney General would be remitted to the State Treasurer and credited to the State General Fund. Any civil penalty recovered by a county or district attorney would be remitted to the county treasurer and deposited into the general fund of the county where the proceedings occurred.

### ***Definitions***

The bill would define the following terms:

- “Agent” would mean any person who is not regularly employed by a school district but provides a service for the school district that requires such person to be present in a school of the school district or to come into contact with students of the school district during the regular hours of the school day. The term would include, but would not be limited to, any person employed by a service provider that the school district contracts with for services, student teachers, and volunteers;
- “Employee” would mean any person regularly employed by a school district to perform services for the school district, including, but not limited to,

teachers, school specialists, administrators, school nurses, librarians, and paraprofessionals;

- “Parent” and “person acting as parent” would mean the same as defined in current school attendance law; and
- “School-based mental health service” would mean any program, intervention, or strategy, including counseling-based therapeutic models, applied in a school setting that is specifically designed to influence or address a student’s emotional, behavioral, or social functioning. The term would not include:
  - Interventions to address mental health concerns that are provided universally to multiple students; or
  - Any intervention that is provided as a one-time emergency intervention or as an initial intervention to address an emergency mental health concern with a student.

## **Background**

The bill was introduced by Representative Steele.

### ***House Committee on Education***

In the House Committee hearing, **proponent** testimony was provided by Representative Steele and two private citizens. The conferees emphasized the important role parents play in their child’s life and generally stated Kansas law requires parental consent for special education evaluations and services and participation in certain assessments and surveys, and the bill would extend the parental consent requirement to mental health services.

Written-only proponent testimony was provided by representatives of Aligned, Concerned Women for America of Kansas, and Truth in Education, and four private citizens.

**Neutral** testimony was provided by a representative of Astra Mental Health and Recovery. The conferee suggested amendments that would explicitly exempt crisis and emergency mental health services and that would ensure consistency with current statute.

**Opponent** testimony was provided by representatives of the Kansas Association of School Boards, Kansas Chapter of National Association of Social Workers, Kansas National Education Association, Kansas Parent Teacher Association, Kansas School Nurses Organization, and United School Administrators. The conferees shared concerns about the civil penalty and generally stated that the bill would include routine classroom practices, misdefine the term “school mental health service,” and delay care for students.

Written-only opponent testimony was provided by representatives of Light Up The Dark, Kansas School Social Workers Association, USD 259 (Wichita), USD 428 (Great Bend), USD 475 (Geary County), and USD 512 (Shawnee Mission), and 58 private citizens.

The House Committee amended the bill to:

- Remove references to “initiating” a school-based mental health service; and
- Alter the definition of “school-based mental health service” to include counseling-based therapeutic models, to remove references to the Multi-Tiered System of Supports framework, and to clarify the term does not include interventions universally provided to multiple students or any intervention that is provided as a one-time emergency intervention or as an initial intervention to address

an emergency mental health concern with a student.

### **Fiscal Information**

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the State Department of Education indicates enactment of the bill would have no fiscal effect on state aid to school districts or a fiscal effect on the agency's administrative expenditures.

The Office of the Attorney General indicates enactment of the bill would increase the agency's workload and would require an additional 1.0 FTE Investigator at a cost of \$86,803, including salaries, benefits, training, travel, and other operating expenditures. The agency also indicates prosecutions of civil penalties would likely be rare and could be absorbed within existing resources. Any fiscal effect associated with the bill is not reflected in *The FY 2027 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill could have increased costs for school districts from potential civil penalties, as well as costs to county courts from related actions, but cannot estimate a fiscal effect.

The Kansas Association of School Boards indicates enactment of the bill would allow civil penalties of \$5,000 for each violation that would be paid by school districts and expose school districts to liability, but cannot estimate a fiscal effect.

Education; school-based mental health service; parental consent