

H.818

Introduced by Representative Berbeco of Winooski

Referred to Committee on

Date:

Subject: Health; mental health; education; mental health screenings

Statement of purpose of bill as introduced: This bill proposes to establish a
voluntary mental health screening program in schools.

An act relating to mental health screening in schools

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. § 1433 is added to read:

§ 1433. MENTAL HEALTH SCREENING PROGRAM

(a) As used in this subchapter:

(1) “Agency” means the Agency of Education.

(2) “Department” means the Department of Mental Health.

(b) The Agency, in collaboration with the Department, shall develop and
administer a program authorizing each supervisory union to provide or arrange
for the provision of evidence-based mental health screening services within the
schools it oversees. The mental health screening services provided pursuant to
this section shall be approved by the Agency, in consultation with the

1 Department. Mental health screening services provided by a supervisory union
2 shall:

3 (1) be age appropriate for each grade served;

4 (2) screen for those mental health conditions determined by the Board of
5 Education in rule; and

6 (3) effectively identify whether a student has a mental health condition
7 requiring intervention or treatment.

8 (c) Pursuant to 3 V.S.A. chapter 25, the State Board of Education, in
9 collaboration with the Department, shall adopt rules for the administration of
10 this program that address the following:

11 (1) the process for a supervisory union to notify the Agency of its
12 decision to participate in the mental health screening program;

13 (2) access to and use of a participating student's screening data
14 consistent with the federal Family Educational Rights and Privacy Act, 20
15 U.S.C. § 1232g and 34 C.F.R. Part 99 (FERPA), and any relevant provisions of
16 State law;

17 (3) annual training requirements related to the mental health screening
18 program;

19 (4) specific mental health conditions that the mental health screening
20 services seek to identify; and

1 (5) the process and specific criteria for distribution of financial support
2 pursuant to subsection (e) of this section.

3 (d) On or before July 1 of each year, a supervisory union shall notify the
4 Agency, in a manner specified in rule, as to whether the supervisory union
5 intends to participate in the mental health screening program for the following
6 academic year. A participating supervisory union shall:

7 (1) select and seek approval from the Department regarding the mental
8 health screening services it plans to offer as part of its participation in the
9 program;

10 (2) annually notify parents and guardians with a student in the
11 supervisory union that the parent or guardian may choose to have the student
12 screened for mental health conditions;

13 (3) obtain prior written consent from a student's parent or guardian prior
14 to conducting a mental health screening in manner that complies with FERPA;

15 (4) provide or cause to be provided the approved mental health
16 screening services to participating students;

17 (5) notify parents and guardians of the results of a participating student's
18 mental health screening;

19 (6) discuss resources with the parents and guardians of a participating
20 student who screens positive for a potential mental health condition; and

1 (7) use funds distributed by the Agency for expenses related to
2 participation in the program pursuant to subsection (e) of this section,
3 including services for certain students screening positive for a mental health
4 condition.

5 (e) To the extent funds permit, the Agency shall distribute funds
6 appropriated for this purpose to supervisory unions participating in the mental
7 health screening program established in this section. Of the funds available for
8 the mental health screening program, 90 percent shall be distributed to
9 participating supervisory unions based on the previous year's average daily
10 membership count and 10 percent shall be available as needed to participating
11 supervisory unions that have exhausted other funds distributed for this purpose.
12 Funds distributed pursuant to this subsection shall be used to fund mental
13 health screening services and trainings for school personnel, and for those
14 services recommended to a student screening positive for a potential mental
15 health condition when a parent or guardian does not have the financial
16 resources to provide the recommended services.

17 (f) A school employee receiving training pursuant to this chapter shall be
18 immune from civil or criminal liability with regard to mental health screening
19 services, unless the employee's actions constituted recklessness, gross
20 negligence, or intentional misconduct.

1 (g) Annually on July 1, the Agency, in collaboration with the Department,
2 shall submit a report to the House Committee on Health Care and to the Senate
3 Committee on Health and Welfare describing:

4 (1) the number of participating students who received a mental health
5 screening pursuant to this section during the previous school year;

6 (2) the number of participating students referred to additional services or
7 for whom intervention was required;

8 (3) how funds distributed to participating supervisory unions were used;
9 and

10 (4) whether the distributed funds were sufficient to meet supervisory
11 union needs under this section.

12 Sec. 2. APPROPRIATION; MENTAL HEALTH SCREENING PROGRAM

13 In fiscal year 2027, \$10,000.00 is appropriated from the General Fund to the
14 Agency of Education for the mental health screening program established in
15 16 V.S.A. § 1433.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on July 1, 2026.