

REFERENCE TITLE: mental health services; public schools

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

## **HB 2862**

Introduced by  
Representative Gress

AN ACT

AMENDING TITLE 15, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 15-120.05; RELATING TO PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 1, article 1, Arizona Revised  
3 Statutes, is amended by adding section 15-120.05, to read:

4 15-120.05. School-based mental health support services;  
5 parental notification and access; posting  
6 requirements; disciplinary measures; definitions

7 A. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY NOT PROVIDE SCHOOL-BASED  
8 MENTAL HEALTH SUPPORT SERVICES TO STUDENTS WITHOUT FIRST OBTAINING  
9 APPROVAL FROM THE SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL  
10 GOVERNING BODY TO PROVIDE THE SERVICES. THIS SUBSECTION APPLIES TO  
11 SERVICES THAT USE SCHOOL SOCIAL WORKERS, SCHOOL COUNSELORS, SCHOOL  
12 PSYCHOLOGISTS, BEHAVIORAL INTERVENTIONISTS OR ANY OTHER SCHOOL PERSONNEL  
13 TO ADDRESS THE COGNITIVE, AFFECTIVE, BEHAVIORAL OR EMOTIONAL FUNCTIONING  
14 OF STUDENTS AT THE INDIVIDUAL LEVEL OR THE SCHOOL LEVEL. THIS SUBSECTION  
15 DOES NOT APPLY TO SPECIAL EDUCATION SERVICES THAT ARE PROVIDED PURSUANT TO  
16 CHAPTER 7, ARTICLE 4 OF THIS TITLE.

17 B. A SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING  
18 BODY THAT APPROVES SCHOOL-BASED MENTAL HEALTH SUPPORT SERVICES PURSUANT TO  
19 SUBSECTION A OF THIS SECTION SHALL PRESCRIBE AND ENFORCE POLICIES AND  
20 PROCEDURES TO REGULATE THE SERVICES CONSISTENT WITH THE REQUIREMENTS  
21 PRESCRIBED BY TITLE 1, CHAPTER 6 RELATING TO THE FUNDAMENTAL RIGHT OF  
22 PARENTS TO DIRECT THE UPBRINGING, EDUCATION, HEALTH CARE AND MENTAL HEALTH  
23 OF THEIR CHILDREN. THE POLICIES AND PROCEDURES ADOPTED PURSUANT TO THIS  
24 SUBSECTION SHALL DO ALL OF THE FOLLOWING:

25 1. REQUIRE INFORMED PARENTAL CONSENT FOR ANY MENTAL HEALTH SUPPORT  
26 SERVICE THAT IS PROVIDED TO THE PARENT'S CHILD.

27 2. REQUIRE THAT STUDENT PARTICIPATION IN ANY MENTAL HEALTH SUPPORT  
28 SERVICE, INCLUDING A UNIVERSAL SCREENING FOR A MENTAL HEALTH SUPPORT  
29 SERVICE, BE ON A VOLUNTARY BASIS.

30 3. PROHIBIT THE SCHOOL DISTRICT OR CHARTER SCHOOL FROM OBTAINING  
31 PARENTAL CONSENT THROUGH AN AUTOMATED PROCESS THAT ALLOWS A PARENT TO  
32 ANNUALLY OPT IN TO THE PARENT'S CHILD RECEIVING MENTAL HEALTH SUPPORT  
33 SERVICES.

34 4. REQUIRE PARENTAL CONSENT TO UNIVERSALLY SCREEN THE PARENT'S  
35 CHILD FOR MENTAL HEALTH SUPPORT SERVICES.

36 5. IF AN IMMEDIATE CRISIS RESPONSE BY SCHOOL PERSONNEL IS NOT  
37 NECESSARY TO PREVENT LIFE-THREATENING HARM TO A STUDENT OR OTHER PERSONS,  
38 REQUIRE A SCHOOL DISTRICT OR CHARTER SCHOOL TO DO BOTH OF THE FOLLOWING  
39 BEFORE EITHER RECOMMENDING THAT A STUDENT CONSULT WITH MENTAL HEALTH  
40 SUPPORT SERVICE PERSONNEL OR REFERRING A STUDENT FOR PARTICIPATION IN A  
41 TARGETED INTERVENTION BY MENTAL HEALTH SUPPORT SERVICE PERSONNEL:

42 (a) PROVIDE WRITTEN NOTIFICATION TO THE STUDENT'S PARENT THAT  
43 IDENTIFIES WITH REASONABLE PARTICULARITY THE BASIS FOR THE RECOMMENDATION  
44 OR REFERRAL.

1 (b) OBTAIN WRITTEN CONSENT FROM THE STUDENT'S PARENT BEFORE  
2 PROVIDING THE CONSULTATION OR TARGETED INTERVENTION.

3 6. BEFORE PERFORMING A TARGETED INTERVENTION, REQUIRE THE MENTAL  
4 HEALTH SUPPORT SERVICE PERSONNEL TO PREPARE AND DELIVER TO THE PARENT OF  
5 THE STUDENT WHO IS PARTICIPATING IN THE INTERVENTION AN INDIVIDUALIZED  
6 STUDENT INTERVENTION PLAN THAT INCLUDES ALL OF THE FOLLOWING:

7 (a) A DESCRIPTION OF THE GOAL OF THE INTERVENTION AND THE EXPECTED  
8 TECHNIQUES OR METHODOLOGIES THAT THE MENTAL HEALTH SUPPORT SERVICE  
9 PERSONNEL WILL USE TO ADDRESS THE CONCERN THAT IS IDENTIFIED AS THE BASIS  
10 FOR THE INTERVENTION.

11 (b) A LIST OF ALL SCREENING TOOLS, EVALUATIONS, SURVEYS, TESTS AND  
12 ASSESSMENTS THAT THE MENTAL HEALTH SUPPORT SERVICE PERSONNEL MAY USE TO  
13 CONDUCT THE INTERVENTION. ON REQUEST FROM THE PARENT, THE MENTAL HEALTH  
14 SUPPORT SERVICE PERSONNEL SHALL PROVIDE TO THE PARENT A COPY OF EACH ITEM  
15 INCLUDED IN THE LIST BEFORE CONDUCTING THE INTERVENTION.

16 (c) THE NAME AND CONTACT INFORMATION OF ALL SCHOOL PERSONNEL WHO  
17 WILL PARTICIPATE IN THE INTERVENTION, TOGETHER WITH THE FOLLOWING  
18 INFORMATION FOR EACH INDIVIDUAL:

19 (i) EITHER THE TYPE OF STATE BOARD OF EDUCATION CERTIFICATION HELD  
20 BY THE INDIVIDUAL, IF APPLICABLE, OR, IF THE INDIVIDUAL IS NOT CERTIFIED  
21 BY THE STATE BOARD OF EDUCATION, A STATEMENT THAT THE INDIVIDUAL IS  
22 UNCERTIFIED.

23 (ii) EITHER THE TYPE OF LICENSE THAT IS ISSUED TO THE INDIVIDUAL BY  
24 A HEALTH PROFESSION REGULATORY BOARD, IF APPLICABLE, OR, IF THE INDIVIDUAL  
25 IS NOT LICENSED BY A HEALTH PROFESSION REGULATORY BOARD, A STATEMENT THAT  
26 THE INDIVIDUAL IS NOT LICENSED. FOR THE PURPOSES OF THIS ITEM, "HEALTH  
27 PROFESSION REGULATORY BOARD" INCLUDES THE BOARD OF BEHAVIORAL HEALTH  
28 EXAMINERS, THE STATE BOARD OF PSYCHOLOGISTS EXAMINERS AND ANY OTHER HEALTH  
29 REGULATORY ENTITY AS DEFINED IN SECTION 32-3101.

30 (d) IF APPLICABLE, A STATEMENT THAT A STUDENT, INTERN OR TRAINEE  
31 WHO IS PARTICIPATING IN A SUPERVISED COURSE OF STUDY UNDER QUALIFIED  
32 SUPERVISION WILL PROVIDE PART OF THE MENTAL HEALTH SUPPORT SERVICES FOR  
33 THE INTERVENTION.

34 (e) A STATEMENT THAT IDENTIFIES ALL SCHOOL PERSONNEL WHO MAY  
35 RECEIVE INFORMATION RELATED TO A STUDENT INTERVENTION, INCLUDING ANY  
36 INFORMATION THAT IS DISCLOSED, COLLECTED OR PREPARED DURING THE  
37 INTERVENTION.

38 (f) IF THE SCHOOL DISTRICT USES SPECIALIZED SOFTWARE OR A  
39 SOFTWARE-AS-A-SERVICE PLATFORM TO COLLECT, TRACK OR SHARE INFORMATION  
40 RELATED TO A STUDENT INTERVENTION, A STATEMENT THAT ALL INFORMATION  
41 RELATED TO THE STUDENT THAT IS COLLECTED BY OR STORED IN THE SOFTWARE MAY  
42 BE INSPECTED BY THE STUDENT'S PARENT ON REQUEST.

43 (g) A STATEMENT THAT THE STUDENT'S PARENT MAY WITHDRAW CONSENT AT  
44 ANY TIME FOR THE STUDENT TO RECEIVE A MENTAL HEALTH SUPPORT SERVICE OR TO  
45 PARTICIPATE IN AN INTERVENTION.

1 (h) THE NOTICE OF DISCLAIMER REQUIRED BY SUBSECTION D OF THIS  
2 SECTION.

3 7. ALLOW A STUDENT TO SELF-REFER FOR MENTAL HEALTH SUPPORT SERVICES  
4 WITHOUT WRITTEN PARENTAL CONSENT. UNLESS THE MENTAL HEALTH SUPPORT  
5 SERVICE PERSONNEL REASONABLY BELIEVES THAT THE STUDENT IS THE VICTIM OF  
6 CONDUCT THAT IS SUBJECT TO THE REPORTING REQUIREMENTS PRESCRIBED BY  
7 SECTION 13-3620, A STUDENT WHO SELF-REFERS PURSUANT TO THIS PARAGRAPH MAY  
8 NOT PARTICIPATE IN AN INTERVENTION OR RECEIVE ONGOING MENTAL HEALTH  
9 SUPPORT SERVICES UNTIL THE STUDENT'S PARENT SIGNS AN INDIVIDUALIZED  
10 STUDENT INTERVENTION PLAN THAT IS PREPARED PURSUANT TO PARAGRAPH 6 OF THIS  
11 SUBSECTION.

12 C. ALL RECORDS RELATING TO MENTAL HEALTH SUPPORT SERVICES THAT A  
13 SCHOOL DISTRICT OR CHARTER SCHOOL PROVIDES TO A STUDENT PURSUANT TO THIS  
14 SECTION, INCLUDING MATERIALS, HANDOUTS, PRESENTATIONS, NOTES, REPORTS AND  
15 RECORDS OF COMMUNICATION BETWEEN SCHOOL PERSONNEL AND THE STUDENT, ARE  
16 EDUCATIONAL RECORDS AND MAY BE INSPECTED BY THE STUDENT'S PARENT PURSUANT  
17 TO SECTION 15-143.

18 D. IF A SCHOOL DISTRICT OR CHARTER SCHOOL PROVIDES MENTAL HEALTH  
19 SUPPORT SERVICES PURSUANT TO THIS SECTION, THE SCHOOL SHALL POST ON THE  
20 SCHOOL'S WEBSITE A DESCRIPTION OF THE MENTAL HEALTH SUPPORT SERVICES THAT  
21 ARE APPROVED PURSUANT TO SUBSECTION A OF THIS SECTION AND A PROMINENT AND  
22 CONSPICUOUS NOTICE OF DISCLAIMER STATING THAT:

23 1. SCHOOL COUNSELORS, SCHOOL SOCIAL WORKERS AND OTHER BEHAVIORAL  
24 INTERVENTIONISTS WHO ARE NOT LICENSED BY THE BOARD OF BEHAVIORAL HEALTH  
25 EXAMINERS MAY NOT:

26 (a) ENGAGE IN THE PRACTICE OF BEHAVIORAL HEALTH.

27 (b) DIAGNOSE OR TREAT A MENTAL AILMENT, DISEASE OR DISORDER OR ANY  
28 OTHER MENTAL HEALTH CONDITION.

29 2. CERTIFIED SCHOOL PSYCHOLOGISTS WHO ARE EMPLOYED BY OR CONTRACTED  
30 TO PROVIDE SERVICES TO A SCHOOL DISTRICT OR CHARTER SCHOOL ARE EXEMPT FROM  
31 THE LICENSURE AND REGULATION REQUIREMENTS PRESCRIBED BY THE STATE BOARD OF  
32 PSYCHOLOGIST EXAMINERS PURSUANT TO SECTION 32-2075.

33 3. TRAINEES AND INTERNS ARE STUDENTS WHO ARE PURSUING A COURSE OF  
34 STUDY RELEVANT TO MENTAL HEALTH SUPPORT SERVICES IN A REGIONALLY  
35 ACCREDITED EDUCATIONAL INSTITUTION OF HIGHER EDUCATION OR A TRAINING  
36 INSTITUTION AND MAY PROVIDE MENTAL HEALTH SUPPORT SERVICES ONLY UNDER  
37 QUALIFIED SUPERVISION AND AS PART OF THE STUDENT'S SUPERVISED COURSE OF  
38 STUDY.

39 E. SCHOOL DISTRICTS, CHARTER SCHOOLS AND MENTAL HEALTH SUPPORT  
40 SERVICES PERSONNEL SHALL COMPLY WITH THE REQUIREMENTS PRESCRIBED BY  
41 SUBSECTION B, PARAGRAPH 5 OF THIS SECTION AND POLICIES RELATING TO  
42 SCHOOL-BASED BEHAVIORAL HEALTH REFERRALS THAT ARE ADOPTED PURSUANT TO  
43 SECTION 36-3436.01 BEFORE PROVIDING A SCHOOL-BASED REFERRAL FOR BEHAVIORAL  
44 HEALTH SERVICES TO A CONTRACTED BEHAVIORAL HEALTH SERVICES PROVIDER  
45 PURSUANT TO THE CHILDREN'S BEHAVIORAL HEALTH SERVICES FUND ESTABLISHED BY

1 SECTION 36-3436 OR FOR SERVICES PROVIDED THROUGH THE ARIZONA HEALTH CARE  
2 COST CONTAINMENT SYSTEM.

3 F. A SCHOOL DISTRICT GOVERNING BOARD OR CHARTER SCHOOL GOVERNING  
4 BODY MAY DISCIPLINE ANY SCHOOL PERSONNEL WHO VIOLATE THIS SECTION,  
5 INCLUDING SUSPENSION, DISMISSAL AND REFERRAL TO THE STATE BOARD OF  
6 EDUCATION FOR UNPROFESSIONAL CONDUCT. IN ADDITION TO ANY DISCIPLINARY  
7 ACTION TAKEN PURSUANT TO THIS SUBSECTION, A STUDENT'S PARENT MAY BRING  
8 SUIT AGAINST THE SCHOOL PERSONNEL, SCHOOL DISTRICT OR CHARTER SCHOOL FOR  
9 ANY VIOLATION OF THIS SECTION THAT INTERFERES WITH OR USURPS THE  
10 FUNDAMENTAL RIGHTS OF PARENTS AS PROVIDED IN SECTION 1-602.

11 G. FOR THE PURPOSES OF THIS SECTION:

12 1. "INTERVENTION":

13 (a) MEANS A TARGETED INDIVIDUALIZED MENTAL HEALTH SUPPORT SERVICE  
14 THAT IS PERFORMED BY SCHOOL PERSONNEL ON A STUDENT TO ADDRESS THE  
15 COGNITIVE, AFFECTIVE, BEHAVIORAL OR EMOTIONAL FUNCTIONING OF THE STUDENT.

16 (b) INCLUDES PSYCHOLOGICAL BEHAVIORAL ASSESSMENTS, FUNCTIONAL  
17 BEHAVIORAL ASSESSMENTS, INDIVIDUAL SCHOOL COUNSELING, GROUP SCHOOL  
18 COUNSELING AND OTHER TECHNIQUES AND PRACTICES THAT ARE DESIGNED TO ADDRESS  
19 A MENTAL HEALTH CONCERN.

20 2. "MENTAL HEALTH SUPPORT SERVICE":

21 (a) MEANS ANY MENTAL HEALTH-BASED PROGRAM OR ACTIVITY THAT IS  
22 PROVIDED BY SCHOOL PERSONNEL AND THAT IS ACCESSIBLE TO ALL GENERAL  
23 EDUCATION STUDENTS TO ADDRESS, PREVENT, IDENTIFY, INTERVENE IN OR TREAT A  
24 MENTAL HEALTH CONCERN THAT IS AFFECTING A STUDENT'S COGNITIVE, AFFECTIVE,  
25 BEHAVIORAL OR EMOTIONAL FUNCTIONING.

26 (b) INCLUDES UNIVERSAL SCREENING, RESPONSE TO INTERVENTION,  
27 POSITIVE BEHAVIORAL SUPPORT AND OTHER PROGRAMS PROVIDED TO ALL GENERAL  
28 EDUCATION STUDENTS TO IDENTIFY STUDENTS FOR TARGETED, INDIVIDUALIZED  
29 INTERVENTIONS.

30 (c) DOES NOT INCLUDE PSYCHOEDUCATIONAL ACTIVITIES AS PART OF A  
31 GENERAL CURRICULUM OR COURSE OF STUDY TO PROMOTE MENTAL HEALTH LITERACY  
32 ABOUT MENTAL DISORDERS, INCLUDING CAUSES, RISK FACTORS, SIGNS AND  
33 SYMPTOMS, TREATMENT OPTIONS AND STRATEGIES TO IMPROVE ATTITUDES TOWARD  
34 MENTAL HEALTH.

35 3. "PERSONNEL" MEANS ANY SCHOOL EMPLOYEE OR CONTRACTOR.

36 4. "REFERRAL" MEANS EITHER:

37 (a) AN INFORMAL OR FORMAL PROCESS OF CONNECTING A STUDENT TO A  
38 SPECIFIC MENTAL HEALTH SUPPORT SERVICE THAT IS PERFORMED BY SCHOOL  
39 PERSONNEL.

40 (b) A RECOMMENDATION THAT A STUDENT SEEK THE SERVICES OF A  
41 CONTRACTED BEHAVIORAL HEALTH SERVICE PROVIDER OR OTHER EXTERNAL MENTAL  
42 HEALTH PROFESSIONAL.

1           5. "UNIVERSAL SCREENING":

2           (a) MEANS THE ASSESSMENT OF ALL STUDENTS WITHOUT KNOWN RISK FACTORS  
3 TO IDENTIFY STUDENTS WHO ARE AT RISK FOR A MENTAL HEALTH CONCERN AND WHO  
4 MAY REQUIRE A TARGETED MENTAL HEALTH SUPPORT SERVICE.

5           (b) INCLUDES THE APPLICATION OF A SYSTEMATIC TOOL OR PROCESS,  
6 STANDARDIZED STUDENT-REPORT MEASURES, STANDARDIZED PARENT-REPORT MEASURES,  
7 STANDARDIZED TEACHER-REPORT MEASURES, THE EXAMINATION OF DE-IDENTIFIED,  
8 AGGREGATE MENTAL HEALTH SURVEILLANCE DATA AND A STRUCTURED TEACHER  
9 NOMINATION PROCESS.