

Senate Bill 430

By: Senators Schaefer of the 50th, Williams of the 19th, Thomas of the 54th, Smith of the 52nd, Rogers of the 21st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia
2 Annotated, relating to student health in elementary and secondary education, so as to provide
3 that mental health screening shall not be given to students without prior parental consent; to
4 provide for notice; to provide for the withholding of state funds by the State Board of
5 Education; to provide for construction; to provide for a consent form; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
10 relating to student health in elementary and secondary education, is amended by adding a
11 new Code section to the end of such part to read as follows:

12 "20-2-775.

13 (a) As used in this Code section, the term 'mental health screening' shall mean any
14 interview or survey designed to determine a student's thoughts, feelings, or behavior at the
15 present time or in the past.

16 (b) No student in any local school system shall be required to submit to any mental health
17 screening without the prior written consent of the student's parent or guardian or the
18 student, in the case of an emancipated minor. Such written consent shall be in substantially
19 the same form as included in subsection (f) of this Code section.

20 (c) No later than 45 days prior to any proposed screening, the local school system shall
21 provide notice to the parent or guardian or the student, in the case of an emancipated minor,
22 of the proposed screening. The notice shall include information about the content of the
23 screening and must inform the parent, guardian, or student, as appropriate, that his or her
24 written consent must be given in order for the student to participate.

25 (d) The State Board of Education shall have the authority to withhold funds, in accordance
26 with Code Section 20-2-243, from any local school system which fails to obtain written

1 consent prior to the mental health screening of a student or otherwise fails to comply with
2 this Code section.

3 (e) Nothing in this Code section shall be construed to conflict with or violate the
4 provisions of the federal Individuals with Disabilities Education Act, including provisions
5 relating to psychological evaluations for purposes of evaluating students with disabilities.

6 (f) Local school systems shall use the following form, in substantially the same content
7 and format, to obtain the written permission required pursuant to this Code section prior
8 to administering a mental health screening to any student:

9 TO: (Parent or guardian) _____

10 FROM: (School or organization) _____

11 [Insert particulars regarding the name of the screening program and where and
12 when it will take place.]

13 FULL INFORMED CONSENT FOR MENTAL HEALTH SCREENING

14 Mental health screening methods for children and adolescents vary from state
15 to state, but usually involve a self-administered computer interview or
16 "survey" to determine how they feel emotionally (anxious or worried, sad or
17 depressed) or their behavior at the present time or in the past. These questions
18 can cover thoughts or feelings your child has had or you've had about them
19 over the last year.

20 Based on an evaluation of your child's answers regarding their feelings or
21 behavior, your child could be given a diagnosis of a "mental disorder."
22 Another option is that you could be asked to bring your child in for a
23 follow-up interview or evaluation to determine if he or she has a mental
24 disorder or syndrome. These diagnoses have to be made by a psychologist,
25 psychiatrist, or medical doctor, but there is a growing controversy over the
26 validity of psychiatric diagnoses.

27 There are currently 374 diagnoses of mental disorders in the American
28 Psychiatric Association's diagnostic manual. The psychologist, psychiatrist,
29 and medical doctor depend on these diagnoses in order to bill the private
30 insurance companies or government insurance such as Medicaid.

31 The attitudes, beliefs, actions, inactions, or behaviors of a child or adolescent
32 and whether or not these constitute a mental disorder are solely based on the

1 opinion of the person making the diagnosis. Unlike methods to determine
 2 diseases like cancer, diabetes, or tuberculosis, a diagnosis of "mental disorder"
 3 or "syndrome" is not based on any physical medical test, such as a brain scan,
 4 "chemical imbalance" test, X-ray, or blood test. In fact, the former U.S.
 5 Surgeon General, in his 1999 Report on Mental Health, stated "the diagnosis
 6 of mental disorders is often believed to be more difficult than diagnosis of
 7 medical disorders *since there is no definitive lesion, laboratory test or*
 8 *abnormality in brain tissue that can identify the illness.*" [emphasis added]

9 A common misconception is that mental health screening will prevent
 10 suicides. However, the U.S. Preventive Services Task Force (USPSTF)
 11 studied this and recommended against screening for suicide in 2004, saying,
 12 "USPSTF found no evidence that screening for suicide risk reduces suicide
 13 attempts or mortality."

14 Commonly prescribed drugs to treat mental disorders can have serious effects
 15 on some children and adults. The U.S. Food and Drug Administration (FDA)
 16 has required that manufacturers of antidepressants place a "black box"
 17 warning, their most severe warning to the general public, on their
 18 antidepressants because of suicide risks for all antidepressants prescribed to
 19 children under the age of 18 years. Additionally, in 2005 the European
 20 Committee for Medicinal Products for Human Use (CHMP), which includes
 21 members from 25 European Union member states, after reviewing the data
 22 from clinical trials of the newer antidepressants, determined that they should
 23 not be prescribed to children under the age of 18 years because they can
 24 produce suicidal behavior, including suicide attempts and thinking about
 25 suicide, or related behavior such as self-harm, hostility, or mood changes.

26 Informed Consent for Mental Health Screening

27 I acknowledge that I have read and understood the above information to the
 28 best of my ability, and based on my understanding, I am choosing **one** of the
 29 following:

- 30 a) **I give my consent** for my child to undergo an evaluation for emotional,
 31 behavior, mental, specific learning disabilities, or other health impairments
 32 (mental health screening).

33 _____
 34 **(Signature of Parent)**

_____ **Date**

