



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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**Bill Number:** H. 4662 Introduced on January 14, 2020  
**Author:** Clemmons  
**Subject:** Behavioral Health Services for Public School Students  
**Requestor:** House Education and Public Works  
**RFA Analyst(s):** Wren  
**Impact Date:** February 10, 2020

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### **Fiscal Impact Summary**

This bill, which allows a student to receive behavioral health services during school hours, will have an undetermined expenditure impact on local school districts. While most districts will experience no impact, the bill will increase expenses of other districts for training, extra tutors to cover missed core instructional time, aides to coordinate the behavioral health provider services, and any potential attorney fees for breach of confidentiality. These expenses will vary by district and are dependent upon the number of students requiring the behavioral health services.

### **Explanation of Fiscal Impact**

#### **Introduced on January 14, 2020**

#### **State Expenditure**

N/A

#### **State Revenue**

N/A

#### **Local Expenditure**

This bill prevents a school board from prohibiting a behavioral health provider from providing behavioral health services to a student at a public school during school hours if the parent or legal guardian of the student requests services from the provider. A public school board must adopt a policy to implement the provisions of this bill before July 1, 2021. The policy must provide the following at a minimum:

- A behavioral health provider who provides services pursuant to this bill must maintain general liability insurance coverage in an amount no less than \$1,000,000 for each occurrence and \$1,000,000 in the aggregate and must provide a certificate of insurance naming the public school district as the certificate holder.
- A behavioral health provider must complete a criminal background check unless a background check is required for licensure as a practitioner.
- A behavioral health service must be permitted during school hours if the parent or legal guardian of the student presents a behavioral health evaluation that indicates the service is necessary during school hours.
- A behavioral health service may be provided during instructional time in English/language arts, mathematics, or science if it is in the best interest of the student.

- A public school governing authority may not enter into a contract or exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student.
- The cost of a behavioral health service provided to a student is the sole responsibility of the parent or legal guardian.
- A behavioral service provider must comply with and abide by the terms of any Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan, or Individualized Health Plan applicable to a student.
- The parent or legal guardian must execute a consent to release information form between the behavioral health provider and the school district.
- A public school governing body must establish reporting requirements for a behavioral health provider related to the progress of the student.
- A school district may establish sanctions against a behavioral health provider for failure to comply with the policy of the district.
- The failure of a school district to adopt a policy is not cause to prohibit the provision of behavioral health services to a student.

SDE indicates that while this bill will have no expenditure impact on most local school districts, some districts indicate that the bill will increase expenses due to the need for training, extra tutors to cover missed core instructional time, aides to coordinate the behavioral health provider services, and any potential attorney fees for breach of confidentiality. Since these expenses will vary by district and are dependent upon the number of students requiring the behavioral health services, the expenditure impact on local school districts is undetermined.

**Local Revenue**

N/A



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Frank A. Rainwater, Executive Director