

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0584.01 Jerry Barry x4341

SENATE BILL 23-004

SENATE SPONSORSHIP

Marchman and Jaquez Lewis,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT OF CERTAIN SCHOOL MENTAL HEALTH**
102 **PROFESSIONALS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, a mental health professional must be licensed by the department of education (department) in order to work in a school. The bill authorizes a school district, the state charter school institute, and a board of cooperative services that operates a school to employ certain mental health professionals who are not licensed by the department but hold a Colorado license for their profession. Before being employed, the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

mental health professional must satisfy other requirements for nonlicensed school employees, including a fingerprint-based criminal background check. Any mental health professional employed may be supervised by a mentor special services provider in the field in which the person is employed or a licensed administrator.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-60.5-218 as
3 follows:

4 **22-60.5-218. Employment of certain school mental health**
5 **professionals - legislative declaration - definitions.** (1) THE GENERAL
6 ASSEMBLY FINDS AND DECLARES THAT:

7 (a) IN 2021, CHILDREN'S HOSPITAL IN COLORADO DECLARED A
8 YOUTH MENTAL HEALTH STATE OF EMERGENCY AND IN 2022 SAID THAT
9 CONDITIONS ARE WORSE;

10 (b) IN 2022, THE CENTERS FOR DISEASE CONTROL AND PREVENTION
11 RELEASED A SURVEY THAT FOUND THAT 44 PERCENT OF HIGH SCHOOL
12 STUDENTS REPORTED THAT THEY FELT PERSISTENTLY SAD OR HOPELESS
13 DURING THE PAST YEAR AND THAT SCHOOLS ARE CRUCIAL PARTNERS IN
14 SUPPORTING THE HEALTH AND WELL-BEING OF STUDENTS;

15 (c) THE COMPLEX AND TIME-CONSUMING PROCESS FOR MENTAL
16 HEALTH PROFESSIONALS TO RECEIVE A SPECIAL SERVICES LICENSE FROM
17 THE DEPARTMENT OF EDUCATION PREVENTS SCHOOLS AND SCHOOL
18 DISTRICTS FROM EMPLOYING MENTAL HEALTH PROFESSIONALS WHO MIGHT
19 OTHERWISE HELP STUDENTS;

20 (d) MENTAL HEALTH PROFESSIONALS ARE ALREADY LICENSED BY
21 VARIOUS STATE BOARDS IN THE DEPARTMENT OF REGULATORY AFFAIRS;
22 AND

23 (e) STUDENTS CAN BE PROTECTED BY REQUIRING MENTAL HEALTH

1 PROFESSIONALS EMPLOYED IN SCHOOLS TO SUBMIT TO CRIMINAL
2 BACKGROUND CHECKS AND TO BE SUPERVISED BY MENTOR SPECIAL
3 SERVICES PROVIDERS AND ADMINISTRATORS WHO ARE LICENSED BY THE
4 DEPARTMENT OF EDUCATION.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "ELIGIBLE SCHOOL MENTAL HEALTH PROFESSIONAL" MEANS A
8 PERSON WHO MEETS THE ELIGIBILITY REQUIREMENTS DESCRIBED IN
9 SUBSECTION (4) OF THIS SECTION AND WHO IS A:

10 (I) PSYCHOLOGIST LICENSED PURSUANT TO PART 3 OF ARTICLE 245
11 OF TITLE 12;

12 (II) SOCIAL WORKER LICENSED PURSUANT TO PART 4 OF ARTICLE
13 245 OF TITLE 12;

14 (III) MARRIAGE AND FAMILY THERAPIST LICENSED PURSUANT TO
15 PART 5 OF ARTICLE 245 OF TITLE 12;

16 (IV) LICENSED PROFESSIONAL COUNSELOR LICENSED PURSUANT TO
17 PART 6 OF ARTICLE 245 OF TITLE 12; OR

18 (V) ADDICTION COUNSELOR LICENSED PURSUANT TO PART 8 OF
19 ARTICLE 245 OF TITLE 12.

20 (b) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
21 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A LOCAL
22 COLLEGE DISTRICT. "SCHOOL DISTRICT" INCLUDES THE STATE CHARTER
23 SCHOOL INSTITUTE AND A BOARD OF COOPERATIVE SERVICES THAT
24 OPERATES A SCHOOL.

25 (3) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 60.5 TO
26 THE CONTRARY, AND SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A
27 SCHOOL DISTRICT MAY EMPLOY AN ELIGIBLE SCHOOL MENTAL HEALTH

1 PROFESSIONAL. A PERSON EMPLOYED AS AN ELIGIBLE SCHOOL MENTAL
2 HEALTH PROFESSIONAL MAY BE SUPERVISED BY A MENTOR SPECIAL
3 SERVICES PROVIDER IN THE FIELD IN WHICH THE ELIGIBLE SCHOOL MENTAL
4 HEALTH PROFESSIONAL IS EMPLOYED OR AN ADMINISTRATOR LICENSED
5 PURSUANT TO SECTION 22-60.5-306.

6 (4) PRIOR TO EMPLOYMENT, THE SCHOOL DISTRICT AND AN
7 ELIGIBLE SCHOOL MENTAL HEALTH PROFESSIONAL SHALL COMPLY WITH
8 THE REQUIREMENTS OF SECTION 22-32-109.8, INCLUDING THE
9 REQUIREMENT FOR THE ELIGIBLE MENTAL HEALTH PROFESSIONAL TO
10 SUBMIT FINGERPRINTS.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.