

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0584.01 Jerry Barry x4341

SENATE BILL 23-004

SENATE SPONSORSHIP

Marchman and Jaquez Lewis, Bridges, Cutter, Exum, Fenberg, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Moreno, Priola, Roberts, Rodriguez, Sullivan, Zenzinger

HOUSE SPONSORSHIP

Michaelson Jenet and Young,

Senate Committees
Health & Human Services

House Committees
Education

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT OF CERTAIN SCHOOL-BASED THERAPISTS.**

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 mental health professional must satisfy other requirements for nonlicensed school employees, including a fingerprint-based criminal

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

SENATE
3rd Reading Unamended
February 16, 2023

SENATE
Amended 2nd Reading
February 15, 2023

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-based therapists**
5 **- legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY
6 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
16 SCHOOL-BASED THERAPISTS TO RECEIVE A SPECIAL SERVICES LICENSE
17 FROM THE DEPARTMENT OF EDUCATION PREVENTS SCHOOLS AND SCHOOL
18 DISTRICTS FROM EMPLOYING SCHOOL-BASED THERAPISTS WHO MIGHT
19 OTHERWISE HELP STUDENTS;

20 (d) SCHOOL-BASED THERAPISTS ARE ALREADY LICENSED BY
21 VARIOUS STATE BOARDS IN THE DEPARTMENT OF REGULATORY AFFAIRS;
22 AND

23 (e) STUDENTS CAN BE PROTECTED BY REQUIRING SCHOOL-BASED
24 THERAPISTS EMPLOYED IN SCHOOLS TO SUBMIT TO FINGERPRINT-BASED

1 CRIMINAL HISTORY BACKGROUND CHECKS AND TO BE SUPERVISED
2 ADMINISTRATORS WHO ARE LICENSED BY THE DEPARTMENT OF
3 EDUCATION.

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

6 (a) "ELIGIBLE SCHOOL-BASED THERAPIST" MEANS A PERSON WHO
7 MEETS THE ELIGIBILITY REQUIREMENTS DESCRIBED IN SUBSECTION (4) OF
8 THIS SECTION AND WHO IS A:

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

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

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

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

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

19 (b) "SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A
20 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
21 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
22 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
23 30.5 OF THIS TITLE 22, OR THE COLORADO SCHOOL FOR THE DEAF AND THE
24 BLIND.

25 (c) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
26 AND EXISTING PURSUANT TO LAW. "SCHOOL DISTRICT" INCLUDES THE
27 STATE CHARTER SCHOOL INSTITUTE, A BOARD OF COOPERATIVE SERVICES

1 THAT OPERATES A SCHOOL, AND SCHOOLS OPERATED BY THE DIVISION OF
2 YOUTH SERVICES.

3 (3) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 60.5 TO
4 THE CONTRARY, AND SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A
5 SCHOOL OR A SCHOOL DISTRICT MAY EMPLOY AN ELIGIBLE SCHOOL-BASED
6 THERAPIST TO WORK IN COORDINATION WITH LICENSED SPECIAL SERVICE
7 PROVIDERS AT THE SCHOOL OR SCHOOL DISTRICT COORDINATING MENTAL
8 HEALTH SUPPORTS FOR STUDENTS. A PERSON EMPLOYED AS AN ELIGIBLE
9 SCHOOL-BASED THERAPIST MAY BE SUPERVISED BY A SPECIAL SERVICES
10 PROVIDER WITH A SCHOOL COUNSELOR ENDORSEMENT OR AN
11 ADMINISTRATOR LICENSED PURSUANT TO SECTION 22-60.5-306. WHEN
12 HIRING AN ELIGIBLE SCHOOL-BASED THERAPIST, SCHOOLS AND SCHOOL
13 DISTRICTS SHOULD ENSURE THAT THE THERAPIST HAS A BACKGROUND
14 AND EXPERTISE IN WORKING WITH CHILDREN AND ADOLESCENTS. AN
15 ELIGIBLE SCHOOL-BASED THERAPIST SHOULD SUPPLEMENT AND NOT
16 REPLACE OR SUPPLANT A SPECIAL SERVICES PROVIDER.

17 (4) PRIOR TO EMPLOYMENT, THE SCHOOL OR A SCHOOL DISTRICT
18 AND AN ELIGIBLE SCHOOL-BASED THERAPIST SHALL COMPLY WITH THE
19 REQUIREMENTS OF SECTION 22-32-109.8, INCLUDING THE REQUIREMENT
20 FOR THE ELIGIBLE SCHOOL-BASED THERAPIST TO SUBMIT FINGERPRINTS.

21 (5) IF AN ELIGIBLE SCHOOL-BASED THERAPIST PROVIDES SERVICES
22 TO A STUDENT RELATED TO THE STUDENT'S INDIVIDUALIZED EDUCATION
23 PROGRAM, AS DEVELOPED PURSUANT TO PART 1 OF ARTICLE 20 OF THIS
24 TITLE 22, THE ELIGIBLE SCHOOL-BASED THERAPIST MUST HAVE
25 QUALIFICATIONS CONSISTENT WITH THE STUDENT'S INDIVIDUALIZED
26 EDUCATION PROGRAM.

27 **SECTION 2. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.