A BILL FOR AN ACT

CONCERNING THE CREATION OF THE "SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH ASSESSMENT ACT".

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.)

The bill creates the sixth through twelfth grade mental health assessment program (program) administered by the department of public health and environment (department).

The bill allows any public school that serves any of grades 6 through 12 to participate in the program and requires a public school that wants to participate in the program to notify the department.
The bill requires participating schools to provide written notice to the parents of students within the first 2 weeks of the start of the school year in order to allow parents to opt their child out of participating in the mental health assessment.

The bill specifies that a student 12 years of age or older may consent to participate in the mental health assessment even if the student's parent opts out.

Mental health assessments must be conducted in participating schools by a qualified provider. The bill requires the department to select a qualified provider to administer the mental health assessment and establishes requirements that the qualified provider must meet.

The bill requires a qualified provider to notify the student's parent under certain circumstances, if the qualified provider finds that additional treatment is needed after reviewing the student's mental health assessment results.

The bill authorizes the department to promulgate rules as necessary to implement and administer the program.
DESIGNED TO IDENTIFY THE POSSIBILITY THAT A STUDENT HAS A MENTAL
HEALTH CONCERN.

(3) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE
PARENT, LEGAL GUARDIAN, OR OTHER ADULT PERSON RECOGNIZED BY THE
CHILD'S SCHOOL AS THE CHILD'S PRIMARY CAREGIVER.

(4) "PARTICIPATING SCHOOL" MEANS A PUBLIC SCHOOL THAT
PARTicipates in the sixth through twelfth grade mental health
assessment program created in this part 20.

(5) "PROGRAM" MEANS THE SIXTH THROUGH TWELFTH GRADE
MENTAL HEALTH ASSESSMENT PROGRAM CREATED IN THIS PART 20.

(6) "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL
DISTRICT IN THIS STATE OR AN INSTITUTE CHARTER SCHOOL.

(7) "QUALIFIED PROVIDER" MEANS THE ENTITY SELECTED BY THE
DEPARTMENT PURSUANT TO THIS PART 20 TO CONDUCT THE MENTAL
HEALTH ASSESSMENT.

25-20.5-2003. Sixth through twelfth grade mental health
assessment program - created - rules. (1) There is created in the
department the sixth through twelfth grade mental health
assessment program to identify potential risks related to unmet
mental or emotional health needs of students in grades six
through twelve and to provide an at-risk student with
resources and referrals to address the student's mental or
emotional health concerns.

(2) A PUBLIC SCHOOL THAT SERVES ANY OF GRADES SIX THROUGH
TWELVE MAY PARTICIPATE IN THE PROGRAM PURSUANT TO THIS PART 20.

(3) TO PARTICIPATE IN THE PROGRAM, A PUBLIC SCHOOL MUST
NOTIFY THE DEPARTMENT, IN THE MANNER PRESCRIBED BY THE
DEPARTMENT, BEFORE MAY 1 IN THE YEAR BEFORE THE SCHOOL YEAR THAT THE PUBLIC SCHOOL WANTS TO BEGIN PARTICIPATION.

(4) A PARTICIPATING SCHOOL SHALL PROVIDE WRITTEN NOTICE TO A STUDENT'S PARENT WITHIN THE FIRST TWO WEEKS OF THE SCHOOL YEAR THAT A MENTAL HEALTH ASSESSMENT WILL BE CONDUCTED AT THE SCHOOL. THE WRITTEN NOTICE MUST INCLUDE:

(a) The purpose for the assessment;
(b) The qualified provider selected to conduct the mental health assessment;
(c) The date and time the mental health assessment is scheduled;
(d) A statement that the parent will be notified following any mental health assessment if additional resources or service referrals are necessary to address the student's mental health concern. This statement must also state that this notification will only be provided to the parents of a child twelve years of age or older if the child consents to the notification.
(e) A statement notifying the parent that the parent has the right to opt the parent's child out of participation in the mental health assessment and that provides information on how to opt out and the time frame for opting out;
(f) A statement that a child twelve years of age or older may consent to the mental health assessment pursuant to section 12-245-203.5 despite the parent's request to opt out; and
(g) Any other information determined necessary by the department or participating school.

(5) UNLESS A STUDENT CONSENTS TO THE MENTAL HEALTH
ASSESSMENT PURSUANT TO SECTION 12-245-203.5, A PARENT OR
GUARDIAN HAS THE AUTHORITY TO OPT OUT OF THEIR CHILD’S
PARTICIPATION IN THE MENTAL HEALTH ASSESSMENT IN THE MANNER
PRESCRIBED BY THE PARTICIPATING SCHOOL.

(6) A MENTAL HEALTH ASSESSMENT MUST:

(a) BE CONDUCTED AT THE PARTICIPATING SCHOOL IN THE MANNER
PRESCRIBED BY THE DEPARTMENT; AND

(b) BE CONDUCTED BY A QUALIFIED PROVIDER THAT MEETS THE
REQUIREMENTS OF SUBSECTION (8) OF THIS SECTION.

(7) PRIOR TO CONDUCTING A MENTAL HEALTH ASSESSMENT, THE
QUALIFIED PROVIDER MUST INFORM THE STUDENT OF THE CIRCUMSTANCES
IN WHICH CONFIDENTIALITY WILL NOT BE MAINTAINED.

(8) THE DEPARTMENT SHALL SELECT A QUALIFIED PROVIDER TO
CONDUCT THE MENTAL HEALTH ASSESSMENTS THROUGH A REQUEST FOR
PROPOSALS PROCESS ESTABLISHED BY THE DEPARTMENT. AT A MINIMUM,
THE QUALIFIED PROVIDER SHALL:

(a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

(b) HAVE THE INFRASTRUCTURE AND ABILITY TO OPERATE
STATEWIDE;

(c) HAVE THE ABILITY TO COLLECT AND REPORT DATA FROM THE
MENTAL HEALTH ASSESSMENT;

(d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE
MENTAL HEALTH ASSESSMENT PROGRAM WITH RELIABLE AND CONSISTENT
PERFORMANCE; AND

(e) COMPLY WITH ANY OTHER REQUIREMENTS THE DEPARTMENT
DETERMINES NECESSARY.

(9) AFTER A MENTAL HEALTH ASSESSMENT IS CONDUCTED, THE
QUALIFIED PROVIDER SHALL REVIEW ALL RESULTS AND DETERMINE WHICH STUDENTS NEED ADDITIONAL MENTAL HEALTH SERVICES.

(10) (a) If, after reviewing the mental health assessment results, the qualified provider believes a student is at risk of attempting suicide, physical self-harm, harming others, or is in need of immediate attention from a mental health professional, the qualified provider shall immediately notify the student's school. After receiving such notification, the school shall follow the school's crisis response policy.

(b) If, after reviewing the mental health assessment results, the qualified provider believes a student may be suffering from a mental health concern other than those stated in subsection (10)(a) of this section and is in need of additional mental health services, the qualified provider shall notify the student's parent within forty-eight hours after the qualified provider has reviewed the student's mental health assessment results and provide the student's parent with information on resources and services provided through iMatter, if:

(I) The student is under twelve years of age; or

(II) The student is twelve years of age or older and consents to the notification.

(c) The qualified provider shall refer a student who is twelve years of age or older to iMatter for mental health services within forty-eight hours after the qualified provider has reviewed the student's mental health assessment results, if the student does not consent to the notification in subsection
(10)(b)(II) OF THIS SECTION.

(11) If at any time during the mental health assessment the qualified provider believes that a student is a victim of child abuse or neglect or that the child's home situation presents an immediate serious threat of harm to the child, the qualified provider shall report the known or suspected child abuse or neglect pursuant to section 19-3-304.

(12) Individually identifiable information collected for or by the qualified provider is subject to the federal "Health Insurance Portability and Accountability Act of 1996", Pub.L. 104-191, as amended. The qualified provider is the custodian of all records associated with mental health assessments. The qualified provider may not disclose records or information without written consent from the student, if the student is over eighteen years of age, or the student's parent. Information collected or learned during the course of a mental health assessment is not part of the student's school record unless the notification requirements of subsection (10)(a) of this section apply and the disclosure meets the requirements of the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended, and all applicable guidelines adopted in accordance therewith.

(13) The department shall promulgate rules pursuant to article 4 of title 24 as necessary to implement and administer the mental health assessment created by this section.

SECTION 2. In Colorado Revised Statutes, 19-3-304, amend (2)(mm) and (2)(nn); and add (2)(oo) as follows:
19-3-304. persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(mm) Naturopathic doctor registered under article 250 of title 12;

and

(nn) Employees of the department of early childhood; AND

(oo) QUALIFIED PROVIDER THAT CONDUCTS ANNUAL SCHOOL MENTAL HEALTH ASSESSMENTS PURSUANT TO PART 20 OF ARTICLE 20.5 OF TITLE 25.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.