

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0055.01 Chelsea Princell x4335

HOUSE BILL 23-1003

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Cutter,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "SIXTH THROUGH TWELFTH**
102 **GRADE MENTAL HEALTH SCREENING ACT", AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

HOUSE
Amended 2nd Reading
March 17, 2023

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 20 to article
3 20.5 of title 25 as follows:

4 **PART 20**

5 **SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH**

6 **SCREENING ACT**

7 **25-20.5-2001. Short title.** THE SHORT TITLE OF THIS PART 20 IS
8 THE "SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH **SCREENING**
9 **ACT**".

10 **25-20.5-2002. Definitions.** AS USED IN THIS PART 20, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "IMATTER" MEANS THE TEMPORARY YOUTH MENTAL HEALTH
13 SERVICES PROGRAM, COMMONLY REFERRED TO AS "IMATTER", CREATED
14 IN SECTION 27-60-109.

15 (2) "MENTAL HEALTH **SCREENING**" MEANS A BRIEF, STRUCTURED

1 QUESTIONNAIRE COMPLETED BY A PARTICIPATING STUDENT THAT IS USED
2 FOR EARLY IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH
3 CONCERN MAY BE EITHER VALIDATED OR REFUTED UPON REVIEW BY A
4 SUBJECT MATTER EXPERT.

5 (3) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE
6 PARENT, OR LEGAL GUARDIAN.

7 (4) "PARTICIPATING SCHOOL" MEANS A PUBLIC SCHOOL THAT
8 MEETS THE REQUIREMENTS STATED IN SECTION 25-20.5-2003 (2) AND
9 PARTICIPATES IN THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH
10 SCREENING PROGRAM CREATED IN THIS PART 20.

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

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

15 (7) "SCREENER" MEANS THE ENTITY SELECTED BY THE
16 DEPARTMENT PURSUANT TO THIS PART 20 TO CONDUCT THE MENTAL
17 HEALTH SCREENING.

18 **25-20.5-2003. Sixth through twelfth grade mental health**
19 **screening program - created - rules.** (1) THERE IS CREATED IN THE
20 DEPARTMENT THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH
21 SCREENING PROGRAM TO IDENTIFY POTENTIAL RISKS RELATED TO UNMET
22 MENTAL OR EMOTIONAL HEALTH NEEDS OF STUDENTS IN GRADES SIX
23 THROUGH TWELVE AND TO PROVIDE A STUDENT WHO HAS A MENTAL OR
24 EMOTIONAL HEALTH CONCERN WITH RESOURCES AND REFERRALS TO
25 ADDRESS THE STUDENT'S MENTAL OR EMOTIONAL HEALTH CONCERNS.

26 (2) A PUBLIC SCHOOL MAY PARTICIPATE IN THE PROGRAM
27 PURSUANT TO THIS PART 20 IF THE PUBLIC SCHOOL SERVES ANY OF GRADES

1 SIX THROUGH TWELVE AND:

2 (a) LACKS A SCHOOL-BASED HEALTH CENTER;

3 (b) HAS FEWER THAN THE RECOMMENDED NUMBER OF SCHOOL
4 PSYCHOLOGISTS BASED ON THE RECOMMENDED STUDENT-TO-SCHOOL
5 PSYCHOLOGIST RATIO; OR

6 (c) HAS A HIGH RISK OF STUDENT SUICIDE AMONG ITS STUDENT
7 POPULATION BASED ON DATED RESULTS FROM THE HEALTHY KIDS
8 COLORADO SURVEY OR ANOTHER DATA MEASURE.

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

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

17 (a) THE PURPOSE FOR THE SCREENING;

18 (b) THE SCREENER SELECTED TO CONDUCT THE MENTAL HEALTH
19 SCREENING;

20 (c) THE DATE AND TIME THE MENTAL HEALTH SCREENING IS
21 SCHEDULED;

22 (d) A STATEMENT THAT THE PARENT WILL BE NOTIFIED FOLLOWING
23 ANY MENTAL HEALTH SCREENING IF ADDITIONAL RESOURCES OR SERVICE
24 REFERRALS ARE NECESSARY TO ADDRESS THE STUDENT'S MENTAL HEALTH
25 CONCERN. THIS STATEMENT MUST ALSO STATE THAT THIS NOTIFICATION
26 WILL ONLY BE PROVIDED TO THE PARENTS OF A CHILD TWELVE YEARS OF
27 AGE OR OLDER IF THE CHILD CONSENTS TO THE NOTIFICATION.

1 (e) A STATEMENT NOTIFYING THE PARENT THAT THE PARENT HAS
2 THE RIGHT TO OPT THE PARENT'S CHILD OUT OF PARTICIPATION IN THE
3 MENTAL HEALTH SCREENING AND THAT PROVIDES INFORMATION ON HOW
4 TO OPT OUT AND THE TIME FRAME FOR OPTING OUT;

5 (f) A STATEMENT THAT A CHILD TWELVE YEARS OF AGE OR OLDER
6 MAY CONSENT TO THE MENTAL HEALTH SCREENING PURSUANT TO SECTION
7 12-245-203.5 DESPITE THE PARENT'S REQUEST TO OPT OUT; AND

8 (g) ANY OTHER INFORMATION DETERMINED NECESSARY BY THE
9 DEPARTMENT OR PARTICIPATING SCHOOL.

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

15 (6) A MENTAL HEALTH SCREENING MUST:

16 (a) BE CONDUCTED AT THE PARTICIPATING SCHOOL IN THE MANNER
17 PRESCRIBED BY THE DEPARTMENT; ■

18 (b) BE CONDUCTED BY A SCREENER THAT MEETS THE
19 REQUIREMENTS OF SUBSECTION (8) OF THIS SECTION;

20 (c) UTILIZE AN EVIDENCE-BASED SCREENING TOOL TO CONDUCT
21 THE MENTAL HEALTH SCREENING;

22 (d) BE MADE AVAILABLE IN A STUDENT'S NATIVE LANGUAGE; AND

23 (e) BE REPRODUCIBLE IN A DIGITAL FORMAT AND IN ANY OTHER
24 FORMAT NECESSARY TO BE ACCESSIBLE TO ALL STUDENTS.

25 (6.5) EACH PARTICIPATING PUBLIC SCHOOL SHALL PUBLISH ON ITS
26 WEBSITE THE MENTAL HEALTH SCREENING ASSESSMENT FORM OR OTHER
27 DOCUMENT PROVIDED TO STUDENTS, THE PARENTAL CONSENT FORM,

1 POLICIES AND PROCEDURES RELATED TO PERFORMING THE MENTAL
2 HEALTH SCREENING, AND ANY OTHER MATERIALS RELATED TO THE
3 MENTAL HEALTH SCREENING PERFORMED PURSUANT TO THIS PART 20.
4 THIS SUBSECTION (6.5) DOES NOT REQUIRE THE PUBLICATION OF
5 COMPLETED MENTAL HEALTH SCREENING ASSESSMENTS.

6 (7) PRIOR TO CONDUCTING A MENTAL HEALTH SCREENING, THE
7 SCREENER MUST INFORM THE STUDENT OF THE CIRCUMSTANCES IN WHICH
8 CONFIDENTIALITY WILL NOT BE MAINTAINED.

9 (8) THE DEPARTMENT SHALL SELECT A SCREENER TO CONDUCT THE
10 MENTAL HEALTH SCREENINGS THROUGH A REQUEST FOR PROPOSALS
11 PROCESS ESTABLISHED BY THE DEPARTMENT. AT A MINIMUM, THE
12 SCREENER SHALL:

13 (a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

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

16 (c) HAVE THE ABILITY TO COLLECT AND REPORT DATA FROM THE
17 MENTAL HEALTH SCREENING;

18 (d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE
19 MENTAL HEALTH SCREENING PROGRAM WITH RELIABLE AND CONSISTENT
20 PERFORMANCE;

21 (e) BE TRAUMA-INFORMED; AND

22 (f) COMPLY WITH ANY OTHER REQUIREMENTS THE DEPARTMENT
23 DETERMINES NECESSARY.

24 (9) AFTER A MENTAL HEALTH SCREENING IS CONDUCTED, THE
25 SCREENER SHALL REVIEW ALL RESULTS AND DETERMINE WHICH STUDENTS
26 NEED ADDITIONAL MENTAL HEALTH SERVICES WITHIN TWENTY-FOUR
27 HOURS AFTER A STUDENT COMPLETES THE MENTAL HEALTH SCREENING.

1 (10) (a) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
2 RESULTS, THE SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING
3 SUICIDE, PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF
4 IMMEDIATE ATTENTION FROM A MENTAL HEALTH PROFESSIONAL, THE
5 SCREENER SHALL IMMEDIATELY NOTIFY THE STUDENT'S PARENTS AND
6 SCHOOL. AFTER RECEIVING SUCH NOTIFICATION, THE SCHOOL SHALL
7 FOLLOW THE SCHOOL'S CRISIS RESPONSE POLICY AND MUST IMMEDIATELY
8 NOTIFY THE SCHOOL DISTRICT'S SECTION 504 COORDINATOR AND SPECIAL
9 EDUCATION DIRECTOR. THIS INFORMATION MUST NOT BE USED TO
10 PREVENT A STUDENT FROM CONTINUING TO ATTEND SCHOOL; EXCEPT THAT
11 A SCHOOL SHALL ADHERE TO SECTION 504 AND DISCIPLINARY
12 PROTECTIONS PURSUANT TO THE FEDERAL "INDIVIDUALS WITH
13 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED, SUCH
14 AS REQUIRING THAT THE STUDENT PARTICIPATE IN A THREAT OR RISK
15 ASSESSMENT BEFORE RETURNING TO SCHOOL.

16 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
17 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
18 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
19 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
20 SERVICES, THE SCREENER SHALL NOTIFY THE STUDENT'S PARENT WITHIN
21 FORTY-EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL
22 HEALTH SCREENING AND PROVIDE THE STUDENT'S PARENT WITH
23 INFORMATION ON RESOURCES AND SERVICES PROVIDED THROUGH
24 IMATTER, INCLUDING HOW TO APPLY FOR SERVICES THROUGH IMATTER,
25 AND INFORMATION ABOUT THE RIGHTS OF STUDENTS WITH DISABILITIES
26 PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF
27 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND THE FEDERAL "INDIVIDUALS

1 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED,
2 IF:

3 (I) THE STUDENT IS UNDER TWELVE YEARS OF AGE; OR

4 (II) THE STUDENT IS TWELVE YEARS OF AGE OR OLDER AND
5 CONSENTS TO THE NOTIFICATION.

6 (c) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
7 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
8 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
9 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
10 SERVICES, THE SCREENER SHALL REFER THE STUDENT TO A MATTER FOR
11 MENTAL HEALTH SERVICES WITHIN FORTY-EIGHT HOURS AFTER THE
12 STUDENT COMPLETES THE MENTAL HEALTH SCREENING IF THE STUDENT IS
13 TWELVE YEARS OF AGE OR OLDER AND DOES NOT CONSENT TO THE
14 NOTIFICATION PURSUANT TO SUBSECTION (10)(b)(II) OF THIS SECTION.

15 (11) IF AT ANY TIME DURING THE MENTAL HEALTH SCREENING THE
16 SCREENER BELIEVES THAT A STUDENT IS A VICTIM OF CHILD ABUSE OR
17 NEGLECT OR THAT THE CHILD'S HOME SITUATION PRESENTS AN IMMEDIATE
18 SERIOUS THREAT OF HARM TO THE CHILD, THE SCREENER SHALL REPORT
19 THE KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT TO THE STUDENT'S
20 SCHOOL.

21 (12) INDIVIDUALLY IDENTIFIABLE INFORMATION COLLECTED FOR
22 OR BY THE SCREENER IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE
23 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
24 AMENDED. THE SCREENER IS THE CUSTODIAN OF ALL RECORDS
25 ASSOCIATED WITH MENTAL HEALTH SCREENINGS. THE SCREENER SHALL
26 NOT DISCLOSE RECORDS OR INFORMATION WITHOUT WRITTEN CONSENT
27 FROM THE STUDENT, IF THE STUDENT IS OVER EIGHTEEN YEARS OF AGE;

1 THE STUDENT, IF THE STUDENT IS TWELVE YEARS OF AGE OR OLDER BUT
2 UNDER EIGHTEEN YEARS OF AGE, CONSENTS ON THE STUDENT'S OWN
3 BEHALF TO PARTICIPATE IN THE SCREENING, AND DOES NOT CONSENT TO
4 PARENTAL NOTIFICATION; OR THE STUDENT'S PARENT. A PARENT OF A
5 STUDENT WHO CONSENTS FOR THE STUDENT TO PARTICIPATE IN THE
6 SCREENING ON THE STUDENT'S BEHALF CANNOT PROVIDE WRITTEN
7 CONSENT FOR THE DISCLOSURE OF THOSE RECORDS WITHOUT THE
8 STUDENT'S CONSENT. ALL PARTIES SUBJECT TO THE REQUIREMENTS OF
9 THIS SECTION SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF
10 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
11 SEC. 12101, ET SEQ., AS AMENDED; SECTION 504 OF THE FEDERAL
12 "REHABILITATION ACT OF 1973, 29 U.S.C. SEC. 794, AS AMENDED; AND
13 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", AS AMENDED.

14 (13) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO
15 ARTICLE 4 OF TITLE 24 AS NECESSARY TO IMPLEMENT AND ADMINISTER
16 THE MENTAL HEALTH SCREENING CREATED BY THIS SECTION.

17 (14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH
18 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DISAGGREGATED
19 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING
20 AVAILABLE TO THE SCHOOL.

21 (15) A STUDENT WHO IS HOME-SCHOOLED BUT WHO PARTICIPATES
22 IN EXTRACURRICULAR ACTIVITIES OR ATHLETIC PROGRAMS AT A
23 PARTICIPATING SCHOOL IS EXEMPT FROM THE MENTAL HEALTH
24 ASSESSMENT PURSUANT TO THIS PART 20. NOTHING IN THIS SUBSECTION
25 (15) EXEMPTS A STUDENT WHO IS HOME-SCHOOLED FROM ANY OTHER
26 RIGHTS PROVIDED BY LAW.

27

1 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
2 \$475,278 is appropriated to the department of public health and
3 environment for use by the prevention services division. This
4 appropriation is from the general fund and is based on an assumption that
5 the department will require an additional 2.0 FTE. To implement this act,
6 the division may use this appropriation for the sixth through twelfth grade
7 mental health assessment program related to children and youth health.

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