

CHAPTER 146

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 23-004

BY SENATOR(S) Marchman and Jaquez Lewis, Bridges, Cutter, Exum, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Kolker, Moreno, Priola, Roberts, Rodriguez, Sullivan, Zenzinger, Fenberg; also REPRESENTATIVE(S) Michaelson Jenet and Young, Amabile, Armagost, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Dickson, English, Froelich, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Mabrey, McCormick, Ortiz, Sharbini, Sirota, Snyder, Titone, Valdez, Velasco, Vigil, Weinberg, Weissman, Willford, Woodrow, McCluskie.

AN ACT

CONCERNING EMPLOYMENT OF CERTAIN SCHOOL-BASED THERAPISTS.

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

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

22-60.5-218. Employment of certain school-based therapists - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

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

(c) THE COMPLEX AND TIME-CONSUMING PROCESS FOR SCHOOL-BASED THERAPISTS TO RECEIVE A SPECIAL SERVICES LICENSE FROM THE DEPARTMENT OF EDUCATION PREVENTS SCHOOLS AND SCHOOL DISTRICTS FROM EMPLOYING SCHOOL-BASED THERAPISTS WHO MIGHT OTHERWISE HELP STUDENTS;

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) STUDENTS CAN BE PROTECTED BY REQUIRING SCHOOL-BASED THERAPISTS EMPLOYED IN SCHOOLS TO SUBMIT TO FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECKS AND TO BE SUPERVISED BY ADMINISTRATORS WHO ARE LICENSED BY THE DEPARTMENT OF EDUCATION.

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

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

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

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

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

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

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

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

(c) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO LAW. "SCHOOL DISTRICT" INCLUDES THE STATE CHARTER SCHOOL INSTITUTE, A BOARD OF COOPERATIVE SERVICES THAT OPERATES A SCHOOL, AND SCHOOLS OPERATED BY THE DIVISION OF YOUTH SERVICES.

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

(4) PRIOR TO EMPLOYMENT, THE SCHOOL OR A SCHOOL DISTRICT AND AN ELIGIBLE SCHOOL-BASED THERAPIST SHALL COMPLY WITH THE REQUIREMENTS OF SECTION

22-32-109.8, INCLUDING THE REQUIREMENT FOR THE ELIGIBLE SCHOOL-BASED THERAPIST TO SUBMIT FINGERPRINTS.

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

SECTION 2. 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.

Approved: May 4, 2023