

## CHAPTER 138

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 17-068**

BY SENATOR(S) Todd, Kerr, Merrifield, Aguilar, Court, Crowder, Donovan, Fenberg, Fields, Garcia, Guzman, Jahn, Jones, Kagan, Kefalas, Martinez Humenik, Moreno, Priola, Williams A., Zenzinger;  
also REPRESENTATIVE(S) Singer, Michaelson Jenet, Wilson, Arndt, Benavidez, Bridges, Exum, Foote, Ginal, Hamner, Hooton, Jackson, Kennedy, Lebsock, Lee, Lontine, McLachlan, Melton, Mitsch Bush, Pettersen, Rosenthal, Salazar, Valdez, Weissman, Young, Duran.

**AN ACT**

**CONCERNING EARLY SUPPORT FOR STUDENT SUCCESS THROUGH ACCESS TO SCHOOL COUNSELORS, AND, IN CONNECTION THEREWITH, SERVING ALL GRADES THROUGH THE BEHAVIORAL HEALTH CARE PROFESSIONAL MATCHING GRANT PROGRAM AND THE SCHOOL COUNSELOR CORPS GRANT PROGRAM.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

- (a) Student behavioral health is important to creating successful and safe schools;
  - (b) Support provided by school nurses, psychologists, social workers, and counselors reduces the incidence of student bullying, substance abuse, and suicide, and helps foster nurturing and safe environments for learning; and
  - (c) The general assembly has previously created two successful grant programs to increase the number of school nurses, psychologists, social workers, and counselors in schools: The behavioral health care professional matching grant program, created in article 96 of title 22; and the school counselor corps grant program, created in article 91 of title 22.
- (2) The general assembly recognizes the benefits that these programs can offer to students throughout the public school system, from kindergarten through high school graduation, and, therefore, declares that it is appropriate to expand the eligibility for these programs to all public schools.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**SECTION 2.** In Colorado Revised Statutes, 22-96-101, **amend** (2) as follows:

**22-96-101. Legislative declaration.** (2) The general assembly further finds and declares that a program to provide matching grants to education providers to enhance the presence of school health professionals in ~~secondary~~ schools throughout the state will facilitate better screening, education, and referral care coordination for ~~secondary school~~ students with substance abuse and other behavioral health needs.

**SECTION 3.** In Colorado Revised Statutes, 22-96-102, **amend** the introductory portion and (3); **repeal** (4); and **add** (2.5) as follows:

**22-96-102. Definitions.** As used in this ~~article~~ ARTICLE 96, unless the context otherwise requires:

(2.5) "SCHOOL" MEANS A PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.

(3) "School health professional" means a state-licensed or state-certified school nurse, PSYCHOLOGIST, SOCIAL WORKER, COUNSELOR, or other state-licensed or state-certified health professional qualified under state law to provide support services to children and adolescents.

(4) ~~"Secondary school" means a public school that includes any of grades seven through twelve.~~

**SECTION 4.** In Colorado Revised Statutes, 22-96-103, **amend** (1) as follows:

**22-96-103. Behavioral health care professional matching grant program - created - rules.** (1) (a) There is ~~hereby~~ created in the department the behavioral health care professional matching grant program, referred to in this ~~article~~ ARTICLE 96 as the "program", to provide funding to education providers for the following purposes:

(I) To increase the presence of school health professionals in ~~secondary~~ schools to provide substance abuse and behavioral health care to students who ~~are enrolled in secondary schools~~ and have substance abuse or other behavioral health needs;

(II) To provide training and resources for school staff on the implementation of evidence-based programming on substance abuse prevention education for all students; ~~who are enrolled in secondary schools;~~ and

(III) To allow school health professionals to connect students ~~who are enrolled in secondary schools~~ with services that are provided by community-based organizations for treatment and counseling for students who are at risk for substance abuse.

(b) An education provider that receives a grant under the program shall use the ~~moneys~~ MONEY to increase the level of funding the education provider allocates to ~~secondary~~ school health professionals to provide substance abuse and behavioral

health care to students prior to receiving the grant and not to replace other funding sources allocated to provide school health professionals for students. ~~in secondary schools.~~ The department shall administer the program as provided in this ~~article~~ ARTICLE 96 and pursuant to rules adopted by the state board.

**SECTION 5.** In Colorado Revised Statutes, 22-96-104, **amend** (2) introductory portion, (2)(a), (2)(b), (2)(c), (2)(d), and (3)(a) as follows:

**22-96-104. Behavioral health care professional matching grant program - application - criteria - grant awards.** (2) At a minimum, each grant application ~~shall~~ MUST specify:

(a) The intended recipient ~~secondary~~ schools, the number of health professionals employed by the education provider ~~in secondary schools~~ prior to receipt of a grant, and the ratio of students to school health providers in the ~~secondary~~ schools operated by or receiving services from the education provider;

(b) The education provider's plan for use of the grant ~~moneys~~ MONEY, including the extent to which the grant ~~moneys~~ MONEY will be used to increase the number of school health professionals at recipient ~~secondary~~ schools and to provide substance abuse and behavioral health care services at recipient ~~secondary~~ schools, including screenings, COUNSELING, referrals to community organizations, and training for students and staff on substance abuse issues;

(c) The education provider's plan for involving leaders at the recipient ~~secondary~~ schools and in the surrounding community and the faculty at recipient ~~secondary~~ schools in increasing the capacity and effectiveness of the substance abuse and behavioral health care services provided to ~~secondary school~~ students enrolled in or receiving educational services from the education provider;

(d) The extent to which the education provider has developed or plans to develop community partnerships to serve substance abuse and behavioral health care needs of all of the ~~secondary~~ students enrolled in or receiving educational services from the education provider;

(3) In reviewing applications and making recommendations, the department shall prioritize applications based on the following criteria and any other criteria adopted by rule of the state board:

(a) The education provider's need for additional school health professionals in ~~secondary~~ schools, demonstrated by the local school and community data regarding marijuana and the number of marijuana establishments located within the boundaries of a school district;

**SECTION 6.** In Colorado Revised Statutes, 22-91-101, **amend** (1)(k) as follows:

**22-91-101. Legislative declaration.** (1) The general assembly hereby finds that:

(k) Reducing the student-to-counselor ratio in Colorado's public ~~secondary~~ schools is a positive move toward achieving the goals of closing the achievement gap, decreasing the dropout rate, and increasing the number of students who

matriculate into postsecondary education without the need for remediation.

**SECTION 7.** In Colorado Revised Statutes, 22-91-102, **amend** the introductory portion and (5); **repeal** (7); and **add** (5.5) as follows:

**22-91-102. Definitions.** AS used in this ~~article~~ ARTICLE 91, unless the context otherwise requires:

(5) "Recipient ~~secondary~~ school" means a ~~secondary~~ school at which an education provider will use ~~moneys~~ MONEY received from the program to either increase the number of school counselors or otherwise raise the level of school counseling provided.

(5.5) "SCHOOL" MEANS A PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL.

(7) "~~Secondary school~~" means a ~~public middle, junior, or high school~~.

**SECTION 8.** In Colorado Revised Statutes, 22-91-103, **amend** (1)(a) as follows:

**22-91-103. School counselor corps grant program - created - rules.**

(1) (a) There is ~~hereby~~ created in the department the school counselor corps grant program to provide funding to education providers. The goal of the program is to increase the availability of effective school-based counseling ~~within secondary schools~~ to help increase the graduation rate within the state and increase the percentage of students who appropriately prepare for, apply to, and continue into postsecondary education.

**SECTION 9.** In Colorado Revised Statutes, 22-91-104, **amend** (2) introductory portion, (2)(a), (2)(c), (2)(d), (2)(e), (2)(f), (2)(g), (3)(a), (3)(a.5), (3)(b), (3)(c), (3)(c.5), (4.5), and (8) as follows:

**22-91-104. School counselor corps grant program - application - criteria - grant awards - rules.** (2) At a minimum, each grant application ~~shall~~ MUST specify:

(a) The intended recipient ~~secondary~~ schools, the number of ~~secondary~~ school counselors employed by the education provider prior to receipt of a grant, and the ratio of students to school counselors in the ~~secondary~~ schools operated by or receiving services from the education provider;

(c) Whether the education provider has entered into, or has committed to establishing, one or more partnerships with institutions of higher education or postsecondary service providers in Colorado to support and increase the capacity and effectiveness of the counseling and postsecondary preparation services provided to ~~secondary school~~ students enrolled in or receiving educational services from the education provider;

(d) The education provider's plan for use of the grant ~~moneys~~ MONEY, including the extent to which the grant ~~moneys~~ MONEY will be used to increase the number of school counselors at recipient ~~secondary~~ schools and to provide professional

development for school counselors and professional development to enable other faculty members to provide counseling and postsecondary preparation services at recipient ~~secondary~~ schools;

(e) The education provider's plan for involving leaders at the recipient ~~secondary~~ schools and in the surrounding community and the faculty at recipient ~~secondary~~ schools in increasing the capacity and effectiveness of the counseling and postsecondary preparation services provided to ~~secondary school~~ students enrolled in or receiving educational services from the education provider;

(f) The extent to which the education provider has developed or plans to develop partnerships to serve the postsecondary needs of all of the ~~secondary~~ students enrolled in or receiving educational services from the education provider;

(g) The education provider's use of district-level, or school-level if the education provider is a charter school, needs assessments that identify challenging issues in the district or school in terms of student learning and success and identification of any programs initiated or services provided by the education provider to ~~secondary~~ students that have helped to increase graduation rates and the level of postsecondary success among graduates;

(3) In reviewing applications and making recommendations to the department and state board, the school counselor corps advisory board shall consider the following criteria, in addition to any other criteria adopted by rule of the state board:

(a) The dropout rate at the intended recipient ~~secondary~~ school or schools and, if the education provider is a school district, at all of the ~~secondary~~ schools within the school district. The school counselor corps advisory board, department, and state board shall give priority to education providers that intend to use the grant ~~moneys~~ MONEY to assist ~~secondary~~ schools at which the dropout rate exceeds the statewide average.

(a.5) The remediation rate at the intended recipient ~~secondary~~ school or schools and, if the education provider is a school district, all of the ~~secondary~~ schools within the school district. The school counselor corps advisory board, department, and state board shall give priority to education providers that intend to use the grant ~~moneys~~ MONEY to assist ~~secondary~~ schools at which the remediation rate is greater than the statewide average.

(b) The percentage of students enrolled in the intended recipient ~~secondary~~ school or schools, and, if the education provider is a school district, all of the ~~secondary~~ schools within the school district, who are eligible for free or reduced-cost lunch or who are considered at-risk students. The school counselor corps advisory board, department, and state board shall give priority to education providers that identify intended recipient ~~secondary~~ schools with a high percentage of said students.

(c) The percentage of students enrolled in the intended recipient ~~secondary~~ school or schools and, if the education provider is a school district, all of the ~~secondary~~ schools in the school district, who graduate and enroll in postsecondary education within two years after graduating from high school;

(c.5) The number of students enrolled in the intended recipient ~~secondary~~ school or schools and, if the education provider is a school district, all of the ~~secondary~~ schools in the school district, who apply to and enroll in postsecondary education within two years after graduating from high school and who are first-generation college students. The school counselor corps advisory board, department, and state board shall give priority to education providers that identify intended recipient ~~secondary~~ schools with a high percentage of first-generation college students.

(4.5) The department shall provide support to ~~secondary~~ schools to train principals on the most effective use of the program.

(8) The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, awarding grants to education providers to use in increasing the availability of school counselors and the level of school counseling services provided in ~~secondary~~ schools and to thereby increase the graduation and matriculation rates and decrease the need for remediation in postsecondary education is an important element of accountable education reform and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

**SECTION 10.** In Colorado Revised Statutes, 22-91-105, **amend** (1)(d) and (1)(e) as follows:

**22-91-105. Reporting.** (1) Each education provider that receives a grant through the program shall report the following information to the department each year during the term of the grant:

(d) A comparison of the dropout rates, and the college matriculation and remediation rates, if applicable, at the recipient ~~secondary~~ schools for the years prior to receipt of the grant and the years for which the education provider receives the grant;

(e) Information indicating an increase in the level of postsecondary preparation services provided to ~~secondary~~ students at recipient ~~secondary~~ schools, such as the use of individual career and academic plans or enrollment in pre-collegiate preparation programs or postsecondary or vocational preparation programs; and

**SECTION 11. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 18, 2017