

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

REVISED

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

LLS NO. 19-0506.01 Shelby Ross x4510

SENATE BILL 19-010

SENATE SPONSORSHIP

Fields, Bridges, Court, Fenberg, Garcia, Ginal, Gonzales, Lee, Moreno, Pettersen, Story, Todd, Winter, Zenzinger

HOUSE SPONSORSHIP

McLachlan and Valdez D.,

Senate Committees

Health & Human Services
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING PROFESSIONAL BEHAVIORAL HEALTH SERVICES FOR**
102 **SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **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 allows grant money to be used for behavioral health care services at recipient schools and specifies that grants may also fund behavioral health services contracts with community providers. The bill requires the department of education (department) to prioritize grant applications based on the school's need for additional health

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

HOUSE
2nd Reading Unamended
April 27, 2019

SENATE
3rd Reading Unamended
March 22, 2019

SENATE
Amended 2nd Reading
March 21, 2019

professionals, and grant applicants must specify the extent to which the school has seen an increase in activities or experiences that affect students' mental well-being.

The bill allows a community provider to commit money to schools. It also changes the amount the department can expend to offset the costs incurred in implementing the program from 3% to 5% of money appropriated for the program.

The bill allows school districts to enter into agreements with specified groups to implement evidence-based, school-wide behavior supports and strategies to build and support positive school climates, including providing behavioral health services and supports; implement strategies to reduce the incidence of suspension and expulsion; and implement alternatives to suspension or expulsion.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-96-102, **amend**
3 (1) and (3); and **add** (1.5) as follows:

4 **22-96-102. Definitions.** As used in this article 96, unless the
5 context otherwise requires:

6 (1) ~~"Department" means the department of education created and~~
7 ~~existing pursuant to section 24-1-115, C.R.S.~~ "BEHAVIORAL HEALTH
8 CARE" MEANS SERVICES TO PREVENT, IDENTIFY, AND TREAT SUBSTANCE
9 USE DISORDERS, SUBSTANCE MISUSE, AND MENTAL HEALTH DISORDERS,
10 INCLUDING SERVICES TO SUPPORT SOCIAL-EMOTIONAL HEALTH.

11 (1.5) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
12 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

13 (3) "School health professional" means a state-licensed or
14 state-certified school nurse, SCHOOL psychologist, SCHOOL social worker,
15 SCHOOL counselor, or other state-licensed or state-certified professional
16 qualified under state law to provide support services to children and
17 adolescents, INCLUDING MENTAL HEALTH PROFESSIONALS LICENSED
18 PURSUANT TO ARTICLE 43 OF TITLE 12.

1 **SECTION 2.** In Colorado Revised Statutes, 22-96-103, **amend**
2 (1) as follows:

3 **22-96-103. Behavioral health care professional matching grant**
4 **program - created - rules.** (1) (a) There is created in the department the
5 behavioral health care professional matching grant program, referred to
6 in this article 96 as the "program", to provide funding to education
7 providers for the following purposes:

8 (I) To increase the presence of school health professionals in
9 schools to provide ~~substance abuse~~ and behavioral health care to students
10 who have MENTAL HEALTH, substance ~~abuse~~ USE OR MISUSE, or other
11 behavioral health needs;

12 (II) To provide training and resources for school staff on the
13 implementation of evidence-based programming on ~~substance abuse~~
14 ~~prevention~~ BEHAVIORAL HEALTH education for all students; ~~and~~

15 (III) To allow school health professionals to connect students with
16 services that are provided by community-based organizations for
17 treatment and counseling for students who ~~are at risk for substance abuse~~
18 NEED BEHAVIORAL HEALTH CARE; AND

19 (IV) TO PROVIDE BEHAVIORAL HEALTH CARE SERVICES AT
20 RECIPIENT SCHOOLS, INCLUDING BUT NOT LIMITED TO SCREENINGS,
21 COUNSELING, THERAPY, REFERRALS TO COMMUNITY ORGANIZATIONS, AND
22 TRAINING FOR STUDENTS AND STAFF ON BEHAVIORAL HEALTH ISSUES.

23 (b) An education provider that receives a grant under the program
24 shall use the money to increase the level of funding the education
25 provider allocates to school health professionals to provide ~~substance~~
26 ~~abuse~~ and behavioral health care to students prior to receiving the grant
27 and not to replace other funding sources allocated to provide school

1 health professionals for students. THE EDUCATION PROVIDER MAY USE THE
2 MONEY TO CONTRACT WITH A COMMUNITY PARTNER FOR BEHAVIORAL
3 HEALTH CARE SERVICES, INCLUDING HIRING PRIVATE HEALTH CARE
4 PROFESSIONALS, TRAINING, SCREENING, AND PREVENTIVE SUPPORTS.
5 ADDITIONALLY, THE EDUCATION PROVIDER MAY USE THE MONEY TO
6 PROVIDE DIRECT SERVICES OR CONSULTATION BY A SCHOOL HEALTH
7 PROFESSIONAL THROUGH TELEHEALTH TECHNOLOGY. The department
8 shall administer the program as provided in this article 96 and pursuant
9 to rules adopted by the state board.

10 **SECTION 3.** In Colorado Revised Statutes, 22-96-104, **amend**
11 (2)(b), (2)(c), (2)(d), (2)(e), (3)(a), (3)(c), (3)(d), and (3)(e); and **add**
12 (3)(f) and (7) as follows:

13 **22-96-104. Behavioral health care professional matching grant**
14 **program - application - criteria - grant awards.** (2) At a minimum,
15 each grant application must specify:

16 (b) The education provider's plan for use of the grant money,
17 including the extent to which the grant money will be used to increase the
18 number of school health professionals at recipient schools and to provide
19 ~~substance abuse and~~ behavioral health care services at recipient schools,
20 including screenings, counseling, THERAPY, referrals to community
21 organizations, and training for students and staff on ~~substance abuse~~
22 BEHAVIORAL HEALTH issues;

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

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

5 (e) The extent to which the education provider has seen increased
6 incidence of disciplinary actions for drug use or selling drugs, SUICIDE
7 ATTEMPTS, DEATHS BY SUICIDE, BULLYING, ADVERSE CHILDHOOD
8 EXPERIENCES, OR OTHER FACTORS THAT AFFECT STUDENTS' MENTAL
9 WELL-BEING;

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

13 (a) The education provider's need for additional school health
14 professionals in schools, demonstrated by the local school and community
15 data regarding ~~marijuana and the number of marijuana establishments~~
16 ~~located within the boundaries of a school district~~ STUDENT ALCOHOL OR
17 DRUG USE, ACCESS TO A BEHAVIORAL HEALTH CARE PROVIDER, OR OTHER
18 DATA SHOWING THE NEED FOR A SCHOOL HEALTH PROFESSIONAL;

19 (c) The amount of the matching ~~funds~~ MONEY that the education
20 provider OR A COMMUNITY PARTNER is able to commit;

21 (d) The education provider's emphasis and commitment to
22 implement evidence-based and research-based programs and strategies;
23 and

24 (e) The likelihood that the education provider OR COMMUNITY
25 PARTNER will continue to fund the increases in the level of school health
26 professional services following expiration of the grant; AND

27 (f) THE EXTENT TO WHICH AN EDUCATION PROVIDER PRIORITIZES

1 USE OF GRANT MONEY FOR STAFF TRAINING RELATED TO BEHAVIORAL
2 HEALTH SUPPORTS.

3 (7) GRANT APPLICATIONS AND REPORTING WILL BE DESIGNED TO
4 LIMIT ADMINISTRATIVE BURDEN ON APPLICANTS AND RECIPIENTS.

5 **SECTION 4. Appropriation.** For the 2019-20 state fiscal year,
6 \$3,000,000 is appropriated to the department of education. This
7 appropriation is from the marijuana tax cash fund created in section
8 39-28.8-501 (1), C.R.S., and is based on an assumption that the
9 department will require an additional 1.0 FTE. To implement this act, the
10 department may use this appropriation for the behavioral health care
11 professional matching grant program.

12 **SECTION 5. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.