

**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. 19-0070.01 Brita Darling x2241

HOUSE BILL 19-1017

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SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING INCREASING ACCESS TO SCHOOL SOCIAL WORKERS IN**
102 **PUBLIC ELEMENTARY SCHOOLS, AND, IN CONNECTION**
103 **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 "Colorado K-5 Social and Emotional Health Act" (act). The act requires the department of education (department) to select a pilot school district (pilot district) to participate in a pilot program that ensures that a school social worker, as defined in the act, is dedicated to each of grades kindergarten through fifth grade. To the extent possible,

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.*

SENATE
2nd Reading Unamended
May 2, 2019

HOUSE
3rd Reading Unamended
April 26, 2019

HOUSE
Amended 2nd Reading
April 25, 2019

the school social worker shall follow the same students through each grade. The general assembly shall appropriate the resources necessary for the pilot district to hire or contract with the additional school social workers.

The department shall select a pilot district that meets the characteristics outlined in the bill, including high poverty, ethnic diversity, and a large concentration of students in the foster care system.

Among other responsibilities consistent with the school social worker license, the school social worker shall provide needed services to students and their families in the pilot district, including identifying learning disabilities, conducting functional behavior assessments and developing behavior intervention plans, identifying food insecurities, and helping eligible students and their families access public benefits. Services must be provided at school and during school hours, as appropriate.

The pilot program begins operation during the 2020-21 school year and repeals in July 2027. The department shall contract with a professional program evaluator (evaluator) to conduct a preliminary evaluation in 2024 and a final evaluation before the repeal of the pilot program. The evaluator shall establish the method for the pilot district's data collection and monitor data throughout the pilot program.

The evaluator shall evaluate the effectiveness of services provided by the pilot program on the academic, mental, and physical health and well-being of the student cohorts within the scope of the pilot program.

The bill requires the department to request money for pilot program administration, employment contracts for social workers, and the pilot program evaluation through the annual budget process.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 99 to title
3 22 as follows:

4 **ARTICLE 99**

5 **Colorado K-5 Social and Emotional Health Act**

6 **22-99-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 99 IS
7 THE "COLORADO K-5 SOCIAL AND EMOTIONAL HEALTH ACT".

8 **22-99-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS THAT:

10 (a) SCHOOL MENTAL HEALTH PROFESSIONALS, INCLUDING SCHOOL

1 SOCIAL WORKERS, POSITIVELY IMPACT THE SCHOOL ENVIRONMENT BY
2 WORKING WITH YOUNG STUDENTS AND THEIR FAMILIES TO IDENTIFY
3 SAFETY NET INSECURITIES, SOCIAL AND EMOTIONAL SKILLS DEFICITS,
4 INSTANCES OF ABUSE AND NEGLECT, AND MENTAL HEALTH CHALLENGES;

5 (b) IDENTIFYING THESE STUDENT ISSUES AS EARLY AS POSSIBLE
6 INCREASES THE LIKELIHOOD THAT PROBLEMS CAN BE RESOLVED
7 SUCCESSFULLY AND IN A MANNER THAT DECREASES LONG-TERM
8 PROBLEMS WITH LEARNING AND OTHER BARRIERS TO STUDENT SUCCESS IN
9 THE FUTURE;

10 (c) A PILOT PROGRAM THAT PLACES A TEAM OF SCHOOL MENTAL
11 HEALTH PROFESSIONALS IN EVERY PILOT PROGRAM SCHOOL WILL ALLOW
12 THE TEAM, IN PARTNERSHIP WITH CLASSROOM TEACHERS, TO PROVIDE
13 NEEDED SUPPORT FOR YOUNG STUDENTS AND THEIR FAMILIES AT A
14 CRITICAL TIME IN THEIR EDUCATION;

15 (d) A SIGNIFICANT GOAL OF THE PILOT PROGRAM IS TO ENSURE
16 THAT STUDENTS OF ELEMENTARY AGE RECEIVE THE RIGHT LEVEL OF
17 NECESSARY SERVICES, IN THE RIGHT PLACE, AND AT THE RIGHT TIME;

18 (e) RECEIVING THE RIGHT LEVEL OF SERVICES, IN THE RIGHT PLACE,
19 AND AT THE RIGHT TIME HELPS REMOVE THE BURDEN PLACED ON
20 TEACHERS TO BE EVERYTHING TO A STUDENT, FROM THERAPIST TO FAMILY
21 COUNSELOR, AND INSTEAD ALLOWS TEACHERS TO RETURN TO THEIR
22 PRIMARY TASK: TEACHING; AND

23 (f) THE PILOT PROGRAM WILL ENABLE PARENTS, STUDENTS,
24 TEACHERS, ADMINISTRATORS, AND SCHOOL MENTAL HEALTH
25 PROFESSIONALS TO CREATE A SAFE, POSITIVE, AND SUCCESSFUL SCHOOL
26 LEARNING ENVIRONMENT.

27 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE

1 CREATION AND SUCCESSFUL IMPLEMENTATION OF A COLORADO K-5
2 SOCIAL AND EMOTIONAL HEALTH PILOT PROGRAM COULD HAVE A
3 PROFOUND IMPACT ON THE EARLY EDUCATIONAL AND SOCIAL
4 EXPERIENCES OF KINDERGARTEN THROUGH FIFTH-GRADE STUDENTS,
5 RESULTING IN THOSE STUDENTS GRADUATING TO MIDDLE AND HIGH
6 SCHOOL PROGRAMS WITH FEWER SOCIAL, EMOTIONAL, AND BEHAVIORAL
7 ISSUES; ADVERSE CHILDHOOD EXPERIENCES; DISCIPLINARY REFERRALS
8 AND DELINQUENT CONDUCT; SCHOOL ABSENCES AND TRUANCY; AND
9 INCIDENCES OF SELF-HARM.

10 **22-99-103. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

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

14 (2) "PILOT PROGRAM" MEANS THE K-5 SOCIAL AND EMOTIONAL
15 HEALTH PILOT PROGRAM, CREATED IN SECTION 22-99-104.

16 (3) "PILOT SCHOOL" MEANS A SCHOOL SELECTED BY THE
17 DEPARTMENT TO PARTICIPATE IN THE PILOT PROGRAM CREATED IN
18 SECTION 22-99-104 FOR STUDENTS IN KINDERGARTEN THROUGH FIFTH
19 GRADE.

20 (4) "SCHOOL COUNSELOR" MEANS A COUNSELOR HOLDING A
21 MASTER'S DEGREE IN EDUCATIONAL COUNSELING AND A PROFESSIONAL
22 SPECIAL SERVICES LICENSE IN COLORADO WITH AN ENDORSEMENT IN
23 SCHOOL COUNSELING, INCLUDING BUT NOT LIMITED TO THE COMPLETION
24 OF COURSE WORK IN THE AREAS OF ACADEMIC AND SOCIAL EMOTIONAL
25 DEVELOPMENT; ASSESSMENT FOR SOCIAL AND EMOTIONAL CONCERNS,
26 INCLUDING SUICIDE PREVENTION AND INTERVENTION; CRISIS
27 INTERVENTION; SOCIAL EMOTIONAL PREVENTION PROGRAMS, INCLUDING

1 CHARACTER EDUCATION AND VIOLENCE PREVENTION; MENTAL HEALTH,
2 PROTECTIVE FACTORS FOR AT-RISK STUDENTS, AND CAREER AWARENESS,
3 EXPLORATION, AND PLANNING.

4 (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
5 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A LOCAL
6 COLLEGE DISTRICT. "SCHOOL DISTRICT" INCLUDES THE STATE CHARTER
7 SCHOOL INSTITUTE AND A BOARD OF COOPERATIVE SERVICES THAT
8 OPERATES A SCHOOL.

9 (6) "SCHOOL MENTAL HEALTH PROFESSIONAL" MEANS A SCHOOL
10 COUNSELOR, A SCHOOL PSYCHOLOGIST, OR A SCHOOL SOCIAL WORKER.

11 (7) "SCHOOL PSYCHOLOGIST" MEANS A SCHOOL PSYCHOLOGIST
12 HOLDING A MASTER'S DEGREE AND A PROFESSIONAL SPECIAL SERVICES
13 LICENSE IN COLORADO WITH A SCHOOL PSYCHOLOGIST ENDORSEMENT.

14 (8) "SCHOOL SOCIAL WORKER" MEANS A SOCIAL WORKER HOLDING
15 A MASTER'S DEGREE AND A PROFESSIONAL SPECIAL SERVICES LICENSE IN
16 COLORADO WITH AN ENDORSEMENT IN SCHOOL SOCIAL WORK, INCLUDING
17 BUT NOT LIMITED TO THE COMPLETION OF COURSE WORK IN THE AREAS OF
18 SCHOOL AND SPECIAL EDUCATION LAW, INCLUDING CONTENT COVERING
19 FUNCTIONAL BEHAVIOR ASSESSMENT AND THE DEVELOPMENT OF
20 BEHAVIOR INTERVENTION PLANS.

21 **22-99-104. K-5 social and emotional health pilot program -**
22 **creation - selection of pilot schools - rules.** (1) THERE IS CREATED THE
23 K-5 SOCIAL AND EMOTIONAL HEALTH PILOT PROGRAM IN THE
24 DEPARTMENT TO DETERMINE THE IMPACT OF DEDICATED SCHOOL MENTAL
25 HEALTH PROFESSIONALS IN KINDERGARTEN THROUGH FIFTH GRADE IN
26 ELEMENTARY SCHOOLS THAT HAVE HIGH-POVERTY, HIGH-NEED STUDENTS.
27 THE PILOT PROGRAM IS IMPLEMENTED WITHIN THE SELECTED PILOT

1 SCHOOLS AND ADMINISTERED BY THE DEPARTMENT. OPERATION OF THE
2 PILOT PROGRAM BEGINS IN THE 2020-21 SCHOOL YEAR AND CONTINUES
3 THROUGH THE CONCLUSION OF THE 2022-23 SCHOOL YEAR, UNLESS THE
4 REPEAL OF THE PILOT PROGRAM IS EXTENDED BY THE GENERAL ASSEMBLY.
5 PURSUANT TO SECTION 22-99-106, THE DEPARTMENT SHALL EMPLOY OR
6 CONTRACT WITH A PILOT PROGRAM COORDINATOR AND CONTRACT FOR
7 PRELIMINARY AND FINAL PROGRAM EVALUATIONS OF THE PILOT PROGRAM.
8 THE DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY FOR THE
9 ADMINISTRATION OF THE PILOT PROGRAM.

10 (2) (a) NO LATER THAN JANUARY 15, 2020, THE DEPARTMENT
11 SHALL SELECT UP TO TEN PILOT SCHOOLS TO PARTICIPATE IN THE PILOT
12 PROGRAM. IF AVAILABLE APPROPRIATIONS AND GIFTS, GRANTS, OR
13 DONATIONS ARE INSUFFICIENT TO FULLY FUND THE PILOT PROGRAM, THE
14 DEPARTMENT MAY SELECT FEWER THAN TEN PILOT SCHOOLS TO
15 PARTICIPATE IN THE PILOT PROGRAM. THE DEPARTMENT SHALL SELECT
16 PILOT SCHOOLS THAT EXHIBIT THE CHARACTERISTICS SET FORTH IN
17 SUBSECTION (2)(b) OF THIS SECTION AND THAT ARE APPROPRIATE TEST
18 SCHOOLS TO EVALUATE THE IMPACT AND EFFECTIVENESS OF THE PILOT
19 PROGRAM. THE PILOT SCHOOLS MUST DEMONSTRATE A WILLINGNESS TO
20 PARTICIPATE IN THE PILOT PROGRAM AND TO COLLECT THE DATA AND
21 INFORMATION NECESSARY FOR THE EVALUATION OF THE PILOT PROGRAM.

22 (b) THE DEPARTMENT SHALL SELECT PILOT SCHOOLS, INCLUDING
23 RURAL, SMALL, AND GEOGRAPHICALLY DIVERSE SCHOOLS, WHICH SCHOOLS
24 SHALL BE LOCATED IN A SCHOOL DISTRICT THAT HAS A HIGH RATE OF
25 YOUTH SUICIDE, ATTEMPTED SUICIDE, OR SUICIDAL IDEATION; HAVE A
26 HIGH-POVERTY STUDENT POPULATION AND A HIGH PERCENTAGE OF
27 STUDENTS WHO EXPERIENCE OR MAY EXPERIENCE FOOD INSECURITY, AS

1 EVIDENCED BY THE NUMBER OR PERCENTAGE OF STUDENTS IN THE SCHOOL
2 WHO ARE ELIGIBLE FOR FREE AND REDUCED-PRICED MEALS; AND MAY
3 INCLUDE SCHOOLS:

4 (I) IN LARGE, METROPOLITAN SCHOOL DISTRICTS;

5 (II) THAT HAVE SIGNIFICANT ETHNIC, CULTURAL, AND LANGUAGE
6 DIVERSITY WITHIN THEIR STUDENT POPULATIONS, WHICH MAY INCLUDE
7 STUDENTS FROM REFUGEE POPULATIONS;

8 (III) THAT HAVE A HIGH NUMBER OR DENSITY OF YOUTH WHO ARE
9 STUDENTS IN OUT-OF-HOME PLACEMENT, AS DEFINED IN SECTION
10 22-32-138;

11 (VI) THAT ARE IN A SCHOOL DISTRICT THAT HAS A HIGH
12 PERCENTAGE OF STUDENTS WHO ARE ADJUDICATED DELINQUENT; AND

13 (VII) THAT ARE IN A SCHOOL DISTRICT THAT HAS A PLAN IN PLACE
14 TO RECRUIT, HIRE, AND RETAIN A DIVERSE WORKFORCE THAT REFLECTS
15 THE RACE, ETHNICITY, AND OTHER CHARACTERISTICS OF THE STUDENT
16 BODY.

17 (c) PRIOR TO A SELECTED SCHOOL IMPLEMENTING THE PILOT
18 PROGRAM PURSUANT TO THIS ARTICLE 99, THE SCHOOL MUST NOTIFY ALL
19 PARENTS OR LEGAL GUARDIANS OF STUDENTS AT THE SCHOOL OF THE
20 SCHOOL'S SELECTION AS A PILOT SCHOOL.

21 **22-99-105. Implementation of pilot program.** (1) IN THE FIRST
22 AND SUBSEQUENT YEARS OF OPERATION OF THE PILOT PROGRAM, EACH
23 PILOT SCHOOL SHALL EMPLOY OR CONTRACT WITH ADDITIONAL SCHOOL
24 MENTAL HEALTH PROFESSIONALS SO THAT EACH OF GRADES ONE THROUGH
25 FIVE AND THE KINDERGARTEN PROGRAM IN EACH PILOT SCHOOL HAS A
26 SCHOOL MENTAL HEALTH PROFESSIONAL DEDICATED TO EACH GRADE AND
27 THE KINDERGARTEN PROGRAM. IF A SINGLE GRADE OR THE KINDERGARTEN

1 PROGRAM HAS MORE THAN TWO HUNDRED FIFTY STUDENTS, ADDITIONAL
2 SCHOOL MENTAL HEALTH PROFESSIONALS MUST BE ADDED TO THE GRADE
3 OR KINDERGARTEN PROGRAM TO MAINTAIN A RATIO OF APPROXIMATELY
4 ONE SCHOOL MENTAL HEALTH PROFESSIONAL PER TWO HUNDRED FIFTY
5 STUDENTS, AS DETERMINED BY THE PILOT SCHOOL. A SMALL PILOT SCHOOL
6 SHALL MAINTAIN A RATIO OF APPROXIMATELY ONE SCHOOL MENTAL
7 HEALTH PROFESSIONAL PER TWO HUNDRED FIFTY STUDENTS, AS
8 DETERMINED BY THE PILOT SCHOOL. AT LEAST ONE OF THE SCHOOL
9 MENTAL HEALTH PROFESSIONALS AT EACH PILOT SCHOOL MUST BE A
10 SCHOOL SOCIAL WORKER.

11 (2) THE GOAL OF THE PILOT PROGRAM IS FOR A SCHOOL MENTAL
12 HEALTH PROFESSIONAL TO DEVELOP AN ONGOING RELATIONSHIP WITH
13 PILOT SCHOOL STUDENTS AND TO FOLLOW THOSE STUDENTS, TO THE
14 EXTENT POSSIBLE, AS THE STUDENTS ADVANCE THROUGH THE GRADES AT
15 THE PILOT SCHOOL. THIS WILL ALLOW THE SCHOOL MENTAL HEALTH
16 PROFESSIONAL TO UNDERSTAND THE NEEDS OF THE STUDENTS AND THEIR
17 FAMILIES OVER TIME AND TO HELP ADDRESS THOSE NEEDS OVER TIME, IF
18 NECESSARY. TO ACHIEVE THIS GOAL, SCHOOL MENTAL HEALTH
19 PROFESSIONALS MAY BE ASSIGNED TO A COHORT OF STUDENTS BY GRADE
20 OR, IN A SMALLER SCHOOL, BY MULTIPLE GRADES. SCHOOL MENTAL
21 HEALTH PROFESSIONALS IN EACH PILOT SCHOOL SHALL WORK AS A TEAM
22 TO ADDRESS THE ACADEMIC AND SOCIAL EMOTIONAL NEEDS OF THE PILOT
23 SCHOOL'S STUDENTS AND TO CREATE A SAFE AND POSITIVE SCHOOL
24 LEARNING ENVIRONMENT THROUGH ADDITIONAL BEHAVIORAL HEALTH
25 SUPPORTS.

26 (3) FOR PURPOSES OF IMPLEMENTING THIS PILOT PROGRAM, THE
27 GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT FOR

1 DISTRIBUTION TO THE PILOT SCHOOLS, OR TO THE GOVERNING BODY FOR
2 THE PILOT SCHOOL, THE AMOUNT OF MONEY NECESSARY FOR THE PILOT
3 SCHOOLS TO EMPLOY OR CONTRACT WITH THE NUMBER OF ADDITIONAL
4 SCHOOL MENTAL HEALTH PROFESSIONALS NECESSARY TO IMPLEMENT THE
5 PILOT PROGRAM, AS DESCRIBED SUBSECTION (1) OF THIS SECTION.
6 THROUGHOUT THE DURATION OF THE PILOT PROGRAM, THE PILOT SCHOOL
7 MUST EMPLOY OR CONTRACT WITH, AT THE PILOT SCHOOL'S EXPENSE, THE
8 SAME NUMBER OF SCHOOL MENTAL HEALTH PROFESSIONALS EMPLOYED BY
9 OR CONTRACTED WITH THE PILOT SCHOOL DURING THE 2019-20 SCHOOL
10 YEAR, SO THAT THE APPROPRIATION TO THE PILOT SCHOOL FOR THE PILOT
11 PROGRAM SUPPLEMENTS, BUT DOES NOT SUPPLANT, THE PILOT SCHOOL'S
12 EXISTING EXPENDITURES FOR SCHOOL MENTAL HEALTH PROFESSIONAL
13 POSITIONS PRIOR TO THE OPERATION OF THE PILOT PROGRAM.

14 (4) (a) IN IMPLEMENTING THE PILOT PROGRAM, THE SCHOOL
15 MENTAL HEALTH PROFESSIONALS SHALL WORK AS A TEAM, WITH EACH
16 PROFESSIONAL PROVIDING SERVICES TO STUDENTS AND OFFERING
17 TRAINING AND RESOURCES TO SCHOOL FACULTY AND ADMINISTRATORS
18 THAT ARE AUTHORIZED UNDER THE SCHOOL MENTAL HEALTH
19 PROFESSIONAL'S SPECIAL SERVICES LICENSE AND ENDORSEMENT.

20 (b) IN ADDITION, SCHOOL MENTAL HEALTH PROFESSIONALS SHALL,
21 CONSISTENT WITH THE SCHOOL MENTAL HEALTH PROFESSIONAL'S JOB
22 DUTIES AND LICENSURE:

23 (I) PROVIDE THE SCHOOL WITH RESOURCES TO DEVELOP AND
24 IMPROVE THE SOCIAL AND EMOTIONAL HEALTH OF STUDENTS, INCLUDING
25 RESOURCES TRANSLATED INTO THE PRIMARY LANGUAGES OF THE STUDENT
26 POPULATION TO THE EXTENT POSSIBLE, AND CREATE A SAFE AND POSITIVE
27 LEARNING ENVIRONMENT THROUGH ADDITIONAL BEHAVIORAL HEALTH

1 SUPPORTS; AND

2 (II) PROVIDE SOCIAL AND EMOTIONAL SKILL BUILDING IN THE

3 SCHOOL AND WITH STUDENTS IN THE CLASSROOM.

4 (c) SCHOOL MENTAL HEALTH PROFESSIONALS MAY, CONSISTENT

5 WITH THE SCHOOL MENTAL HEALTH PROFESSIONAL'S JOB DUTIES AND

6 LICENSURE:

7 (I) ASSIST STUDENTS AND THEIR FAMILIES WITH APPLYING FOR

8 AND OBTAINING NECESSARY PUBLIC BENEFITS FOR WHICH EACH STUDENT

9 AND THE STUDENT'S FAMILY IS ELIGIBLE;

10 (II) PROVIDE SERVICES AND SUPPORTS TO STUDENTS WHO HAVE AN

11 INDIVIDUALIZED EDUCATION PROGRAM, AS PROVIDED IN SECTION

12 22-20-108;

13 (III) CONSULT AND COORDINATE WITH OTHER SCHOOL

14 PROFESSIONALS ON BEHALF OF STUDENTS AND SUPPORT FAMILIES

15 ACCESSING COMMUNITY-BASED RESOURCES AS NEEDED AND

16 APPROPRIATE; AND

17 (IV) IDENTIFY FOOD INSECURITY, HOMELESSNESS, AND OTHER

18 ISSUES AFFECTING STUDENTS AND MAKE REFERRALS TO SERVICES WITHIN

19 THE COMMUNITY, BRINGING THOSE SERVICES INTO THE SCHOOL SETTING

20 WHERE POSSIBLE.

21 (d) AS APPROPRIATE, AND TO THE EXTENT POSSIBLE, THE SCHOOL

22 MENTAL HEALTH PROFESSIONAL MUST PROVIDE SERVICES OR ARRANGE

23 FOR SERVICES TO BE PROVIDED FOR STUDENTS AT THE SCHOOL AND

24 DURING SCHOOL HOURS OR WHEN STUDENT BUSING IS AVAILABLE.

25 (e) SERVICES PROVIDED BY THE SCHOOL MENTAL HEALTH

26 PROFESSIONAL TO THE STUDENT MUST INCLUDE THE STUDENT'S FAMILY

27 AND HOUSEHOLD, WHERE APPROPRIATE. THE SCHOOL MENTAL HEALTH

1 PROFESSIONAL IS SPECIFICALLY AUTHORIZED TO MAKE HOME VISITS WHEN
2 APPROPRIATE UNDER THE CIRCUMSTANCES AND CONSISTENT WITH
3 LICENSURE.

4 (5) EACH PILOT SCHOOL'S TEAM OF SCHOOL MENTAL HEALTH
5 PROFESSIONALS SHALL PARTICIPATE IN THE SCHOOL'S OR SCHOOL
6 DISTRICT'S MULTI-TIERED SYSTEMS OF SUPPORT PROCESS TO ASSIST IN
7 DEVELOPING APPROPRIATE PLANS FOR THE MENTAL HEALTH AND
8 BEHAVIORAL NEEDS OF INDIVIDUAL STUDENTS.

9 (6) EACH PILOT SCHOOL, OR EACH PILOT SCHOOL'S GOVERNING
10 BODY, WHERE APPROPRIATE, SHALL COLLECT, TRANSMIT, AND RETAIN ANY
11 DATA AND INFORMATION NECESSARY FOR THE EVALUATION OF THE PILOT
12 PROGRAM PURSUANT TO SECTION 22-99-106. EACH PILOT SCHOOL SHALL
13 RECORD THE UNIQUE STUDENT IDENTIFIER, AS DEFINED IN SECTION
14 22-16-103, FOR ALL STUDENTS ENROLLED IN THE PILOT SCHOOL.

15 (7) A STUDENT WHO IS HOME SCHOOLED BUT WHO PARTICIPATES
16 IN EXTRACURRICULAR ACTIVITIES OR ATHLETIC PROGRAMS AT A SCHOOL
17 THAT IS SELECTED AS A PILOT SCHOOL IS EXCLUDED FROM ANY DATA
18 COLLECTION OR REPORTING REQUIREMENTS PURSUANT TO THIS ARTICLE
19 99.

20 **22-99-106. Pilot program coordinator - evaluation of pilot**
21 **program - student impacts and outcomes.** (1) THE DEPARTMENT SHALL
22 EMPLOY OR CONTRACT WITH A PILOT PROGRAM COORDINATOR TO OVERSEE
23 THE IMPLEMENTATION OF THE PILOT PROGRAM ACROSS THE PILOT
24 SCHOOLS. THE PILOT PROGRAM COORDINATOR MUST BE A SCHOOL SOCIAL
25 WORKER WHO SHALL WORK WITH EACH PILOT SCHOOL'S TEAM OF SCHOOL
26 MENTAL HEALTH PROFESSIONALS. THE DUTIES OF THE PILOT PROGRAM
27 COORDINATOR INCLUDE, AT A MINIMUM:

1 (a) COORDINATING DATA COLLECTION AND PROGRAM EVALUATION
2 REQUIREMENTS WITH THE PROFESSIONAL PROGRAM EVALUATOR RETAINED
3 PURSUANT TO SUBSECTION (2) OF THIS SECTION;

4 (b) SERVING AS A CONTACT PERSON AND RESOURCE FOR TEAMS OF
5 SCHOOL MENTAL HEALTH PROFESSIONALS IN THE PILOT SCHOOLS;

6 (c) HELPING PILOT SCHOOLS IDENTIFY SUCCESSFUL PRACTICES FOR
7 RECRUITING AND RETAINING MENTAL HEALTH PROFESSIONALS;

8 (d) SHARING BEST PRACTICES RELATING TO THE PILOT PROGRAM
9 AND ITS IMPLEMENTATION AT THE PILOT SCHOOLS; AND

10 (e) ENSURING FIDELITY TO THE GOALS OF THE PILOT PROGRAM
11 ACROSS THE PILOT SCHOOLS.

12 (2) (a) THE DEPARTMENT SHALL SELECT A PROFESSIONAL
13 PROGRAM EVALUATOR TO COMPLETE A PRELIMINARY EVALUATION OF THE
14 PILOT PROGRAM ON OR BEFORE SEPTEMBER 1, 2022, AND A FINAL
15 EVALUATION OF THE PILOT PROGRAM TO BE COMPLETED ON OR BEFORE
16 SEPTEMBER 1, 2023. THE DEPARTMENT SHALL CONTRACT WITH THE
17 EVALUATOR PRIOR TO THE IMPLEMENTATION OF THE PILOT PROGRAM IN
18 THE PILOT SCHOOLS DURING THE 2020-21 SCHOOL YEAR TO CREATE A
19 PROCESS FOR THE COLLECTION AND TRANSMISSION OF DATA AND
20 INFORMATION TO THE EVALUATOR TO ENSURE THAT THE EVALUATOR HAS
21 THE DATA AND INFORMATION NECESSARY TO COMPLETE THE PRELIMINARY
22 AND FINAL REPORTS CONCERNING THE IMPACT AND OUTCOMES OF THE
23 PILOT PROGRAM. THE PILOT PROGRAM EVALUATOR, IN CONJUNCTION WITH
24 THE DEPARTMENT, SHALL SELECT A GROUP OF CONTROL SCHOOLS THAT
25 HAVE SCHOOL CHARACTERISTICS AND STUDENT DEMOGRAPHICS SIMILAR
26 TO THOSE OF THE PILOT SCHOOLS, TO SERVE AS A CONTROL GROUP FOR
27 PURPOSES OF EVALUATING THE IMPACTS AND OUTCOMES OF THE PILOT

1 PROGRAM ON PARTICIPATING STUDENTS AND PILOT SCHOOLS. DATA
2 COLLECTED FOR PILOT SCHOOLS AND CONTROL GROUP SCHOOLS MUST
3 INCLUDE DATA FROM SCHOOL CLIMATE AND HEALTHY SCHOOLS SURVEYS
4 FOR ANY GRADE IN WHICH SUCH SURVEYS HAVE BEEN CREATED.

5 (b) THE DEPARTMENT SHALL SELECT A PROFESSIONAL PROGRAM
6 EVALUATOR THAT HAS THE KNOWLEDGE AND SKILLS NECESSARY TO
7 EVALUATE THE EFFECTIVENESS OF SERVICES PROVIDED BY THE PILOT
8 PROGRAM AND THE RESULTING IMPACTS AND OUTCOMES OF THE PILOT
9 PROGRAM ON THE STUDENT COHORTS PARTICIPATING IN THE PILOT
10 PROGRAM. THE DEPARTMENT IS ENCOURAGED, BUT IS NOT REQUIRED, TO
11 CONTRACT WITH A STATE INSTITUTION OF HIGHER EDUCATION TO
12 COMPLETE THE EVALUATION OF THE PILOT PROGRAM.

13 (c) THE DEPARTMENT AND THE PILOT SCHOOLS SHALL COOPERATE
14 FULLY WITH THE PILOT PROGRAM EVALUATOR'S COLLECTION AND
15 ANALYSIS OF DATA AND INFORMATION RELATING TO THE PILOT PROGRAM'S
16 IMPACT AND OUTCOMES. THE DEPARTMENT, PILOT SCHOOLS, THE PILOT
17 PROGRAM COORDINATOR, AND THE CONTRACTED EVALUATOR SHALL
18 COMPLY WITH ALL STATE AND FEDERAL LAWS RELATING TO THE
19 CONFIDENTIALITY OF ACADEMIC AND MEDICAL RECORDS OF STUDENTS
20 AND SHALL PROVIDE AGGREGATED DATA WHERE APPROPRIATE.

21 (d) THE PILOT PROGRAM EVALUATOR SHALL DETERMINE THE
22 IMPACT OF THE PILOT PROGRAM ON STUDENTS' ACADEMIC, MENTAL,
23 SOCIAL EMOTIONAL, AND PHYSICAL HEALTH AND WELL-BEING. THE
24 EVALUATOR SHALL COLLECT AND ANALYZE DATA RELATING TO STUDENT
25 AND SCHOOL OUTCOMES, WHICH OUTCOMES MAY INCLUDE:

26 (I) THE INCREASE OR DECREASE IN STUDENTS' DISCIPLINARY
27 REFERRALS, EITHER WITHIN THE PILOT SCHOOL, OR PILOT SCHOOL'S

1 DISTRICT, IF RELEVANT, OR WITH LAW ENFORCEMENT, AND THE INCREASE
2 OR DECREASE IN STUDENTS ADJUDICATED DELINQUENT WITHIN THE PILOT
3 SCHOOL'S DISTRICT;

4 (II) THE INCREASE OR DECREASE IN STUDENTS' LOST INSTRUCTION
5 TIME DUE TO DISCIPLINARY ACTION OR VISITS TO THE SCHOOL NURSE OR
6 SCHOOL COUNSELOR;

7 (III) THE INCREASE OR DECREASE IN EXCUSED AND UNEXCUSED
8 ABSENCES AND TRUANCY;

9 (IV) THE INCREASE OR DECREASE IN OVERALL STUDENT
10 PERFORMANCE ON STATEWIDE ASSESSMENTS, BY GRADE;

11 (V) THE INCREASE OR DECREASE IN THE STUDENT COHORTS'
12 GRADE POINT AVERAGE, BY GRADE;

13 (VI) THE INCREASE IN ACCESS TO SUPPORTIVE SERVICES FOR
14 STUDENTS AND THEIR FAMILIES, AS EVIDENCED BY:

15 (VII) AN INCREASE IN THE NUMBER OR PERCENTAGE OF STUDENTS
16 IDENTIFIED AS ELIGIBLE FOR FREE OR REDUCED-PRICE MEALS, BY GRADE;

17 (VIII) AN INCREASE IN EMPLOYMENT OUTCOMES FOR STUDENTS'
18 FAMILIES;

19 (IX) AN INCREASE OR DECREASE IN STUDENTS' FOOD SECURITY AS
20 DEMONSTRATED BY AN INCREASE OR DECREASE IN THE NUMBER OR
21 PERCENTAGE OF STUDENTS PARTICIPATING IN THE FEDERAL
22 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

23 (X) AN INCREASE OR DECREASE IN THE NUMBER OR PERCENTAGE
24 OF ELIGIBLE STUDENTS ACCESSING PUBLIC BENEFITS;

25 (XI) AN INCREASE OR DECREASE IN THE PILOT SCHOOLS'
26 AWARENESS OF OR INVOLVEMENT WITH DOMESTIC VIOLENCE OR CHILD
27 ABUSE ISSUES AFFECTING STUDENTS;

1 (XII) IMPACT ON THE SCHOOL'S LEARNING ENVIRONMENT AND
2 CHANGES TO THE SCHOOL CLIMATE DURING THE OPERATION OF THE PILOT
3 PROGRAM AND EVALUATION OF SCHOOL CLIMATE;

4 (XIII) THE REDUCTION IN ADVERSE CHILDHOOD EXPERIENCES OR
5 THE POSITIVE RESOLUTION OF ADVERSE CHILDHOOD EXPERIENCES, IF
6 AVAILABLE;

7 (XIV) THE REDUCTION IN YOUTH SUICIDE AND ATTEMPTED
8 SUICIDE; AND

9 (XV) ANY OTHER RELEVANT DATA AND INFORMATION RELATING
10 TO PILOT PROGRAM OUTCOMES AND IMPACTS AS DETERMINED BY THE
11 PILOT PROGRAM EVALUATOR.

12 **22-99-107. Appropriations for this article - gifts, grants, or**
13 **donations.** (1) FOR THE 2019-20 AND 2020-21 STATE FISCAL YEARS, THE
14 GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE MARIJUANA
15 TAX CASH FUND, CREATED IN SECTION 39-28.8-501, TO THE DEPARTMENT
16 TO BE USED FOR THE PILOT PROGRAM ESTABLISHED IN THIS ARTICLE 99;
17 EXCEPT THAT THE APPROPRIATION FROM THE MARIJUANA TAX CASH FUND
18 FOR THE 2020-21 STATE FISCAL YEAR SHALL NOT EXCEED TWO MILLION
19 FIVE HUNDRED THOUSAND DOLLARS, WITH THE REMAINING PILOT
20 PROGRAM FUNDING FROM GIFTS, GRANTS, OR DONATIONS.

21 (2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
22 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
23 PURPOSES OF THIS ARTICLE 99.

24 **22-99-108. Repeal of article.** THIS ARTICLE 99 IS REPEALED,
25 EFFECTIVE JULY 1, 2023.

26 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,
27 \$43,114 is appropriated to the department of education. This

1 appropriation is from the marijuana tax cash fund created in section
2 39-28.8-501 (1), C.R.S., and is based on an assumption that the
3 department will require an additional 0.4 FTE. To implement this act, the
4 department may use this appropriation for the K-5 social and emotional
5 health pilot program.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2020 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.