

**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. 23-0584.01 Jerry Barry x4341

SENATE BILL 23-004

SENATE SPONSORSHIP

Marchman and Jaquez Lewis,

HOUSE SPONSORSHIP

(None),

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING EMPLOYMENT OF CERTAIN SCHOOL-BASED THERAPISTS.**

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>.)

Under current law, a mental health professional must be licensed by the department of education (department) in order to work in a school. The bill authorizes a school district, the state charter school institute, and a board of cooperative services that operates a school to employ certain mental health professionals who are not licensed by the department but hold a Colorado license for their profession. Before being employed, the mental health professional must satisfy other requirements for nonlicensed school employees, including a fingerprint-based criminal

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.

SENATE
Amended 2nd Reading
February 15, 2023

background check. Any mental health professional employed may be supervised by a mentor special services provider in the field in which the person is employed or a licensed administrator.

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

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

4 **22-60.5-218. Employment of certain school-based therapists**
5 **- legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY
6 FINDS AND DECLARES THAT:

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

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

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

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

23 (e) STUDENTS CAN BE PROTECTED BY REQUIRING SCHOOL-BASED
24 THERAPISTS EMPLOYED IN SCHOOLS TO SUBMIT TO FINGERPRINT-BASED

1 CRIMINAL HISTORY BACKGROUND CHECKS AND TO BE SUPERVISED BY
2 MENTOR SPECIAL SERVICES PROVIDERS AND ADMINISTRATORS WHO ARE
3 LICENSED BY THE DEPARTMENT OF EDUCATION.

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

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

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

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

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

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

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

19 (b) "SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A
20 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
21 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
22 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
23 30.5 OF THIS TITLE 22, OR THE COLORADO SCHOOL FOR THE DEAF AND THE
24 BLIND.

25 (c) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
26 AND EXISTING PURSUANT TO LAW. "SCHOOL DISTRICT" INCLUDES THE
27 STATE CHARTER SCHOOL INSTITUTE, A BOARD OF COOPERATIVE SERVICES

1 THAT OPERATES A SCHOOL, AND SCHOOLS OPERATED BY THE DIVISION OF
2 YOUTH SERVICES.

3 (3) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 60.5 TO
4 THE CONTRARY, AND SUBJECT TO THE REQUIREMENTS OF THIS SECTION, A
5 SCHOOL OR A SCHOOL DISTRICT MAY EMPLOY AN ELIGIBLE SCHOOL-BASED
6 THERAPIST TO WORK IN COORDINATION WITH LICENSED SPECIAL SERVICE
7 PROVIDERS AT THE SCHOOL OR SCHOOL DISTRICT COORDINATING MENTAL
8 HEALTH SUPPORTS FOR STUDENTS. A PERSON EMPLOYED AS AN ELIGIBLE
9 SCHOOL-BASED THERAPIST MAY BE SUPERVISED BY A MENTOR SPECIAL
10 SERVICES PROVIDER IN THE FIELD IN WHICH THE ELIGIBLE SCHOOL-BASED
11 THERAPIST IS EMPLOYED OR AN ADMINISTRATOR LICENSED PURSUANT TO
12 SECTION 22-60.5-306.

13 (4) PRIOR TO EMPLOYMENT, THE SCHOOL OR A SCHOOL DISTRICT
14 AND AN ELIGIBLE SCHOOL-BASED THERAPIST SHALL COMPLY WITH THE
15 REQUIREMENTS OF SECTION 22-32-109.8, INCLUDING THE REQUIREMENT
16 FOR THE ELIGIBLE SCHOOL-BASED THERAPIST TO SUBMIT FINGERPRINTS.

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

23 **SECTION 2. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.