

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0055.01 Chelsea Princell x4335

HOUSE BILL 23-1003

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Cutter,

House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "SIXTH THROUGH TWELFTH**
102 **GRADE MENTAL HEALTH SCREENING ACT".**

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 sixth through twelfth grade mental health assessment program (program) administered by the department of public health and environment (department).

The bill allows any public school that serves any of grades 6 through 12 to participate in the program and requires a public school that wants to participate in the program to notify the department.

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.*

The bill requires participating schools to provide written notice to the parents of students within the first 2 weeks of the start of the school year in order to allow parents to opt their child out of participating in the mental health assessment.

The bill specifies that a student 12 years of age or older may consent to participate in the mental health assessment even if the student's parent opts out.

Mental health assessments must be conducted in participating schools by a qualified provider. The bill requires the department to select a qualified provider to administer the mental health assessment and establishes requirements that the qualified provider must meet.

The bill requires a qualified provider to notify the student's parent under certain circumstances, if the qualified provider finds that additional treatment is needed after reviewing the student's mental health assessment results.

The bill authorizes the department to promulgate rules as necessary to implement and administer the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 20 to article
3 20.5 of title 25 as follows:

4 **PART 20**

5 **SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH**

6 **SCREENING ACT**

7 **25-20.5-2001. Short title.** THE SHORT TITLE OF THIS PART 20 IS
8 THE "SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH **SCREENING**
9 **ACT**".

10 **25-20.5-2002. Definitions.** AS USED IN THIS PART 20, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "iMATTER" MEANS THE TEMPORARY YOUTH MENTAL HEALTH
13 SERVICES PROGRAM, COMMONLY REFERRED TO AS "iMATTER", CREATED
14 IN SECTION 27-60-109.

15 (2) "MENTAL HEALTH **SCREENING**" MEANS A BRIEF, STRUCTURED
16 QUESTIONNAIRE COMPLETED BY A PARTICIPATING STUDENT THAT IS **USED**

1 FOR EARLY IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH
2 CONCERN MAY BE EITHER VALIDATED OR REFUTED UPON REVIEW BY A
3 SUBJECT MATTER EXPERT.

4 (3) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE
5 PARENT, OR LEGAL GUARDIAN.

6 (4) "PARTICIPATING SCHOOL" MEANS A PUBLIC SCHOOL THAT
7 PARTICIPATES IN THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH
8 SCREENING PROGRAM CREATED IN THIS PART 20.

9 (5) "PROGRAM" MEANS THE SIXTH THROUGH TWELFTH GRADE
10 MENTAL HEALTH SCREENING PROGRAM CREATED IN THIS PART 20.

11 (6) "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL
12 DISTRICT IN THIS STATE OR AN INSTITUTE CHARTER SCHOOL.

13 (7) "SCREENER" MEANS THE ENTITY SELECTED BY THE
14 DEPARTMENT PURSUANT TO THIS PART 20 TO CONDUCT THE MENTAL
15 HEALTH SCREENING.

16 **25-20.5-2003. Sixth through twelfth grade mental health**
17 **screening program - created - rules.** (1) THERE IS CREATED IN THE
18 DEPARTMENT THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH
19 SCREENING PROGRAM TO IDENTIFY POTENTIAL RISKS RELATED TO UNMET
20 MENTAL OR EMOTIONAL HEALTH NEEDS OF STUDENTS IN GRADES SIX
21 THROUGH TWELVE AND TO PROVIDE A STUDENT WHO HAS A MENTAL OR
22 EMOTIONAL HEALTH CONCERN WITH RESOURCES AND REFERRALS TO
23 ADDRESS THE STUDENT'S MENTAL OR EMOTIONAL HEALTH CONCERNS.

24 (2) A PUBLIC SCHOOL THAT SERVES ANY OF GRADES SIX THROUGH
25 TWELVE MAY PARTICIPATE IN THE PROGRAM PURSUANT TO THIS PART 20.

26 (3) TO PARTICIPATE IN THE PROGRAM, A PUBLIC SCHOOL MUST
27 NOTIFY THE DEPARTMENT, IN THE MANNER PRESCRIBED BY THE

1 DEPARTMENT, BEFORE MAY 1 IN THE YEAR BEFORE THE SCHOOL YEAR
2 THAT THE PUBLIC SCHOOL WANTS TO BEGIN PARTICIPATION.

3 (4) A PARTICIPATING SCHOOL SHALL PROVIDE WRITTEN NOTICE TO
4 A STUDENT'S PARENT WITHIN THE FIRST TWO WEEKS OF THE SCHOOL YEAR
5 THAT A MENTAL HEALTH SCREENING WILL BE CONDUCTED AT THE SCHOOL.
6 THE WRITTEN NOTICE MUST INCLUDE:

7 (a) THE PURPOSE FOR THE SCREENING;

8 (b) THE SCREENER SELECTED TO CONDUCT THE MENTAL HEALTH
9 SCREENING;

10 (c) THE DATE AND TIME THE MENTAL HEALTH SCREENING IS
11 SCHEDULED;

12 (d) A STATEMENT THAT THE PARENT WILL BE NOTIFIED FOLLOWING
13 ANY MENTAL HEALTH SCREENING IF ADDITIONAL RESOURCES OR SERVICE
14 REFERRALS ARE NECESSARY TO ADDRESS THE STUDENT'S MENTAL HEALTH
15 CONCERN. THIS STATEMENT MUST ALSO STATE THAT THIS NOTIFICATION
16 WILL ONLY BE PROVIDED TO THE PARENTS OF A CHILD TWELVE YEARS OF
17 AGE OR OLDER IF THE CHILD CONSENTS TO THE NOTIFICATION.

18 (e) A STATEMENT NOTIFYING THE PARENT THAT THE PARENT HAS
19 THE RIGHT TO OPT THE PARENT'S CHILD OUT OF PARTICIPATION IN THE
20 MENTAL HEALTH SCREENING AND THAT PROVIDES INFORMATION ON HOW
21 TO OPT OUT AND THE TIME FRAME FOR OPTING OUT;

22 (f) A STATEMENT THAT A CHILD TWELVE YEARS OF AGE OR OLDER
23 MAY CONSENT TO THE MENTAL HEALTH SCREENING PURSUANT TO SECTION
24 12-245-203.5 DESPITE THE PARENT'S REQUEST TO OPT OUT; AND

25 (g) ANY OTHER INFORMATION DETERMINED NECESSARY BY THE
26 DEPARTMENT OR PARTICIPATING SCHOOL.

27 (5) UNLESS A STUDENT CONSENTS TO THE MENTAL HEALTH

1 SCREENING PURSUANT TO SECTION 12-245-203.5, A PARENT OR GUARDIAN
2 HAS THE AUTHORITY TO OPT OUT OF THEIR CHILD'S PARTICIPATION IN THE
3 MENTAL HEALTH SCREENING IN THE MANNER PRESCRIBED BY THE
4 PARTICIPATING SCHOOL.

5 (6) A MENTAL HEALTH SCREENING MUST:

6 (a) BE CONDUCTED AT THE PARTICIPATING SCHOOL IN THE MANNER
7 PRESCRIBED BY THE DEPARTMENT;

8 (b) BE CONDUCTED BY A SCREENER THAT MEETS THE
9 REQUIREMENTS OF SUBSECTION (8) OF THIS SECTION;

10 (c) UTILIZE AN EVIDENCE-BASED SCREENING TOOL TO CONDUCT
11 THE MENTAL HEALTH SCREENING;

12 (d) BE MADE AVAILABLE IN A STUDENT'S NATIVE LANGUAGE; AND

13 (e) BE REPRODUCIBLE IN A DIGITAL FORMAT AND IN ANY OTHER
14 FORMAT NECESSARY TO BE ACCESSIBLE TO ALL STUDENTS.

15 (7) PRIOR TO CONDUCTING A MENTAL HEALTH SCREENING, THE
16 SCREENER MUST INFORM THE STUDENT OF THE CIRCUMSTANCES IN WHICH
17 CONFIDENTIALITY WILL NOT BE MAINTAINED.

18 (8) THE DEPARTMENT SHALL SELECT A SCREENER TO CONDUCT THE
19 MENTAL HEALTH SCREENINGS THROUGH A REQUEST FOR PROPOSALS
20 PROCESS ESTABLISHED BY THE DEPARTMENT. AT A MINIMUM, THE
21 SCREENER SHALL:

22 (a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

23 (b) HAVE THE INFRASTRUCTURE AND ABILITY TO OPERATE
24 STATEWIDE;

25 (c) HAVE THE ABILITY TO COLLECT AND REPORT DATA FROM THE
26 MENTAL HEALTH SCREENING;

27 (d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE

1 MENTAL HEALTH SCREENING PROGRAM WITH RELIABLE AND CONSISTENT
2 PERFORMANCE; ■

3 (e) BE TRAUMA-INFORMED; AND

4 (f) COMPLY WITH ANY OTHER REQUIREMENTS THE DEPARTMENT
5 DETERMINES NECESSARY.

6 (9) AFTER A MENTAL HEALTH SCREENING IS CONDUCTED, THE
7 SCREENER SHALL REVIEW ALL RESULTS AND DETERMINE WHICH STUDENTS
8 NEED ADDITIONAL MENTAL HEALTH SERVICES WITHIN TWENTY-FOUR
9 HOURS AFTER A STUDENT COMPLETES THE MENTAL HEALTH SCREENING.

10 (10) (a) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
11 RESULTS, THE SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING
12 SUICIDE, PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF
13 IMMEDIATE ATTENTION FROM A MENTAL HEALTH PROFESSIONAL, THE
14 SCREENER SHALL IMMEDIATELY NOTIFY THE STUDENT'S PARENTS AND
15 SCHOOL. AFTER RECEIVING SUCH NOTIFICATION, THE SCHOOL SHALL
16 FOLLOW THE SCHOOL'S CRISIS RESPONSE POLICY AND MUST IMMEDIATELY
17 NOTIFY THE SCHOOL DISTRICT'S SECTION 504 COORDINATOR AND SPECIAL
18 EDUCATION DIRECTOR. THIS INFORMATION MUST NOT BE USED TO
19 PREVENT A STUDENT FROM CONTINUING TO ATTEND SCHOOL; EXCEPT THAT
20 A SCHOOL SHALL ADHERE TO SECTION 504 AND DISCIPLINARY
21 PROTECTIONS PURSUANT TO THE FEDERAL "INDIVIDUALS WITH
22 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED, SUCH
23 AS REQUIRING THAT THE STUDENT PARTICIPATE IN A THREAT OR RISK
24 ASSESSMENT BEFORE RETURNING TO SCHOOL.

25 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
26 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
27 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION

1 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
2 SERVICES, THE SCREENER SHALL NOTIFY THE STUDENT'S PARENT WITHIN
3 FORTY-EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL
4 HEALTH SCREENING AND PROVIDE THE STUDENT'S PARENT WITH
5 INFORMATION ON RESOURCES AND SERVICES PROVIDED THROUGH
6 iMATTER, INCLUDING HOW TO APPLY FOR SERVICES THROUGH iMATTER,
7 AND INFORMATION ABOUT THE RIGHTS OF STUDENTS WITH DISABILITIES
8 PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF
9 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND THE FEDERAL "INDIVIDUALS
10 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED,
11 IF:

12 (I) THE STUDENT IS UNDER TWELVE YEARS OF AGE; OR

13 (II) THE STUDENT IS TWELVE YEARS OF AGE OR OLDER AND
14 CONSENTS TO THE NOTIFICATION.

15 (c) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
16 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
17 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
18 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
19 SERVICES, THE SCREENER SHALL REFER THE STUDENT TO iMATTER FOR
20 MENTAL HEALTH SERVICES WITHIN FORTY-EIGHT HOURS AFTER THE
21 STUDENT COMPLETES THE MENTAL HEALTH SCREENING IF THE STUDENT IS
22 TWELVE YEARS OF AGE OR OLDER AND DOES NOT CONSENT TO THE
23 NOTIFICATION PURSUANT TO SUBSECTION (10)(b)(II) OF THIS SECTION.

24 (11) IF AT ANY TIME DURING THE MENTAL HEALTH SCREENING THE
25 SCREENER BELIEVES THAT A STUDENT IS A VICTIM OF CHILD ABUSE OR
26 NEGLECT OR THAT THE CHILD'S HOME SITUATION PRESENTS AN IMMEDIATE
27 SERIOUS THREAT OF HARM TO THE CHILD, THE SCREENER SHALL REPORT

1 THE KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT TO THE STUDENT'S
2 SCHOOL.

3 (12) INDIVIDUALLY IDENTIFIABLE INFORMATION COLLECTED FOR
4 OR BY THE SCREENER IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE
5 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
6 AMENDED. THE SCREENER IS THE CUSTODIAN OF ALL RECORDS
7 ASSOCIATED WITH MENTAL HEALTH SCREENINGS. THE SCREENER MAY NOT
8 DISCLOSE RECORDS OR INFORMATION WITHOUT WRITTEN CONSENT FROM
9 THE STUDENT, IF THE STUDENT IS OVER EIGHTEEN YEARS OF AGE, OR THE
10 STUDENT'S PARENT. ALL PARTIES SUBJECT TO THE REQUIREMENTS OF
11 THIS SECTION SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF
12 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
13 SEC. 12101, ET SEQ., AS AMENDED; SECTION 504 OF THE FEDERAL
14 "REHABILITATION ACT OF 1973, 29 U.S.C. SEC. 794, AS AMENDED; AND
15 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", AS AMENDED.

16 (13) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO
17 ARTICLE 4 OF TITLE 24 AS NECESSARY TO IMPLEMENT AND ADMINISTER
18 THE MENTAL HEALTH SCREENING CREATED BY THIS SECTION.

19 (14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH
20 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DISAGGREGATED
21 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING
22 AVAILABLE TO THE SCHOOL.

23 SECTION 2. In Colorado Revised Statutes, 27-60-109,
24 amend (1)(b) and (2)(a); repeal (5.5)(c) and (6); and add (5.5)(d) and as
25 follows:

26 27-60-109. Youth mental health services program - established
27 - report - rules - definitions. (1) As used in this section, unless the

1 context otherwise requires:

2 (b) "Program" means the temporary youth mental health services
3 program established in this section.

4 (2) (a) There is established in the behavioral health administration
5 the temporary youth mental health services program to facilitate access
6 to mental health services, including substance use disorder services, for
7 youth to respond to mental health needs identified in an initial mental
8 health screening through the portal, including those needs that may have
9 resulted from the COVID-19 pandemic. The program reimburses
10 providers for up to three mental health sessions with a youth.

11 (5.5) (c) ~~This subsection (5.5) is repealed, effective June 30, 2024.~~

12 (d) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL
13 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY
14 TO THE STATE DEPARTMENT FOR THE PURPOSE OF THIS SECTION. THE
15 STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
16 DONATIONS FROM ANY PUBLIC OR PRIVATE RESOURCE FOR THE PURPOSE
17 OF THIS SECTION.

18 (6) ~~This section is repealed, effective June 30, 2024.~~

19 **SECTION 3.** In Colorado Revised Statutes, 27-50-105, **amend**
20 (1)(g) as follows:

21 **27-50-105. Administration of behavioral health programs -**
22 **state plan - sole mental health authority.** (1) The BHA shall administer
23 and provide the following behavioral health programs and services:

24 (g) The temporary youth mental health services program created
25 pursuant to section 27-60-109;

26 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.