

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

REVISED

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

LLS NO. 23-0055.01 Chelsea Princell x4335

HOUSE BILL 23-1003

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Public & Behavioral Health & Human Services
Appropriations

Senate Committees

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Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE "SIXTH THROUGH TWELFTH**
102 **GRADE MENTAL HEALTH SCREENING ACT", AND, IN**
103 **CONNECTION 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 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

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
April 28, 2023

HOUSE
3rd Reading Unamended
March 20, 2023

HOUSE
Amended 2nd Reading
March 17, 2023

wants to participate in the program to notify the department.

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 9** to article
3 **50** of title **27** as follows:

4 **PART 9**

5 **SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH**
6 **SCREENING ACT**

7 **27-50-901.** **Short title.** THE SHORT TITLE OF THIS **PART 9** IS THE
8 "SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH **SCREENING ACT**".

9 **27-50-902.** **Definitions.** AS USED IN THIS **PART 9**, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 **(1)** "MENTAL HEALTH **SCREENING**" MEANS A BRIEF, STRUCTURED
12 QUESTIONNAIRE COMPLETED BY A PARTICIPATING STUDENT THAT IS **USED**
13 **FOR EARLY IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH**
14 **CONCERN MAY BE EITHER VALIDATED OR REFUTED UPON REVIEW BY A**

1 SUBJECT MATTER EXPERT.

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

4 (3) "PARTICIPATING SCHOOL" MEANS A PUBLIC SCHOOL THAT
5 MEETS THE REQUIREMENTS STATED IN SECTION 27-50-903 (2) AND
6 PARTICIPATES IN THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH
7 SCREENING PROGRAM CREATED IN THIS PART 9.

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

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

12 (6) "SCREENER" MEANS THE ENTITY SELECTED BY THE BHA
13 PURSUANT TO THIS PART 9 TO CONDUCT THE MENTAL HEALTH SCREENING.

14 27-50-903. Sixth through twelfth grade mental health
15 screening program - created - rules. (1) THERE IS CREATED IN THE
16 BHA THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH SCREENING
17 PROGRAM TO IDENTIFY POTENTIAL RISKS RELATED TO UNMET MENTAL OR
18 EMOTIONAL HEALTH NEEDS OF STUDENTS IN GRADES SIX THROUGH
19 TWELVE AND TO PROVIDE A STUDENT WHO HAS A MENTAL OR EMOTIONAL
20 HEALTH CONCERN WITH RESOURCES AND REFERRALS TO ADDRESS THE
21 STUDENT'S MENTAL OR EMOTIONAL HEALTH CONCERNS.

22 =====
23 (2) THE BHA SHALL CONSULT WITH THE COLORADO DEPARTMENT
24 OF PUBLIC HEALTH AND ENVIRONMENT, THE COLORADO DEPARTMENT OF
25 HUMAN SERVICES, AND THE COLORADO DEPARTMENT OF EDUCATION TO
26 MAKE RECOMMENDATIONS FOR THE PURPOSES OF IDENTIFYING PRIORITY
27 COUNTIES AND DISTRICTS FOR THE IMPLEMENTATION OF THE PROGRAM. A

1 PUBLIC SCHOOL RECOMMENDED FOR THE PROGRAM MUST BE PUBLIC
2 SCHOOL THAT SERVES ANY OF GRADES SIX THROUGH TWELVE.

3 (3) TO PARTICIPATE IN THE PROGRAM, A PUBLIC SCHOOL MUST
4 NOTIFY THE BHA, IN THE MANNER PRESCRIBED BY THE BHA, BEFORE
5 MAY 1 IN THE YEAR BEFORE THE SCHOOL YEAR THAT THE PUBLIC SCHOOL
6 WANTS TO BEGIN PARTICIPATION.

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

11 (a) THE PURPOSE FOR THE SCREENING;

12 (b) THE SCREENER SELECTED TO CONDUCT THE MENTAL HEALTH
13 SCREENING;

14 (c) THE DATE AND TIME THE MENTAL HEALTH SCREENING IS
15 SCHEDULED;

16 (d) A STATEMENT THAT THE PARENT WILL BE NOTIFIED FOLLOWING
17 ANY MENTAL HEALTH SCREENING IF ADDITIONAL RESOURCES OR SERVICE
18 REFERRALS ARE NECESSARY TO ADDRESS THE STUDENT'S MENTAL HEALTH
19 CONCERN.

20 (e) A STATEMENT NOTIFYING THE PARENT THAT THE PARENT HAS
21 THE RIGHT TO OPT THE PARENT'S CHILD OUT OF PARTICIPATION IN THE
22 MENTAL HEALTH SCREENING AND THAT PROVIDES INFORMATION ON HOW
23 TO OPT OUT AND THE TIME FRAME FOR OPTING OUT, WHICH MUST BE A
24 TIME FRAME OF AT LEAST FOURTEEN DAYS; AND

25 ==

26 (f) ANY OTHER INFORMATION DETERMINED NECESSARY BY THE
27 BHA OR PARTICIPATING SCHOOL.

1 (5) A PARENT OR GUARDIAN HAS THE AUTHORITY TO OPT OUT OF
2 THEIR CHILD'S PARTICIPATION IN THE MENTAL HEALTH SCREENING IN THE
3 MANNER PRESCRIBED BY THE PARTICIPATING SCHOOL.

4 (6) A MENTAL HEALTH SCREENING MUST:

5 (a) BE CONDUCTED AT THE PARTICIPATING SCHOOL IN THE MANNER
6 PRESCRIBED BY THE BHA;

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

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

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

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

14 (6.5) EACH PARTICIPATING PUBLIC SCHOOL SHALL PUBLISH ON ITS
15 WEBSITE THE MENTAL HEALTH SCREENING QUESTIONNAIRE FORM OR
16 OTHER DOCUMENT PROVIDED TO STUDENTS, THE PARENTAL CONSENT
17 FORM, POLICIES AND PROCEDURES RELATED TO PERFORMING THE MENTAL
18 HEALTH SCREENING, AND ANY OTHER MATERIALS RELATED TO THE
19 MENTAL HEALTH SCREENING PERFORMED PURSUANT TO THIS PART 9. THIS
20 SUBSECTION (6.5) DOES NOT REQUIRE THE PUBLICATION OF COMPLETED
21 MENTAL HEALTH SCREENINGS.

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

25 (8) THE BHA SHALL SELECT A SCREENER TO CONDUCT THE
26 MENTAL HEALTH SCREENINGS THROUGH A REQUEST FOR PROPOSALS
27 PROCESS ESTABLISHED BY THE BHA. AT A MINIMUM, THE SCREENER

1 SHALL:

2 (a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

3 (b) HAVE THE INFRASTRUCTURE AND ABILITY TO OPERATE
4 STATEWIDE;

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

7 (d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE
8 MENTAL HEALTH SCREENING PROGRAM WITH RELIABLE AND CONSISTENT
9 PERFORMANCE;

10 (e) BE TRAUMA-INFORMED; AND

11 (f) COMPLY WITH ANY OTHER REQUIREMENTS THE BHA
12 DETERMINES NECESSARY.

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

17 (10) (a) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
18 RESULTS, THE SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING
19 SUICIDE, PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF
20 IMMEDIATE ATTENTION FROM A MENTAL HEALTH PROFESSIONAL, THE
21 SCREENER SHALL IMMEDIATELY NOTIFY THE STUDENT'S PARENTS AND
22 SCHOOL. AFTER RECEIVING SUCH NOTIFICATION, THE SCHOOL SHALL
23 FOLLOW THE SCHOOL'S CRISIS RESPONSE POLICY AND MUST IMMEDIATELY
24 NOTIFY THE SCHOOL DISTRICT'S SECTION 504 COORDINATOR AND SPECIAL
25 EDUCATION DIRECTOR. THIS INFORMATION MUST NOT BE USED TO
26 PREVENT A STUDENT FROM CONTINUING TO ATTEND SCHOOL; EXCEPT THAT
27 A SCHOOL SHALL ADHERE TO SECTION 504 AND DISCIPLINARY

1 PROTECTIONS PURSUANT TO THE FEDERAL "INDIVIDUALS WITH
2 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED. ==

3 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
4 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH
5 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION
6 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH
7 SERVICES, THE SCREENER SHALL NOTIFY THE STUDENT'S PARENT WITHIN
8 FORTY-EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL
9 HEALTH SCREENING AND PROVIDE THE STUDENT AND THE STUDENT'S
10 PARENT WITH INFORMATION ON BEHAVIORAL HEALTH RESOURCES AND
11 SERVICES == AND INFORMATION ABOUT THE RIGHTS OF STUDENTS WITH
12 DISABILITIES PURSUANT TO SECTION 504 OF THE FEDERAL
13 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND
14 THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
15 U.S.C. SEC. 1400, AS AMENDED.

16 ==
17 (11) IF AT ANY TIME DURING THE MENTAL HEALTH SCREENING THE
18 SCREENER BELIEVES THAT A STUDENT IS A VICTIM OF CHILD ABUSE OR
19 NEGLECT OR THAT THE CHILD'S HOME SITUATION PRESENTS AN IMMEDIATE
20 SERIOUS THREAT OF HARM TO THE CHILD, THE SCREENER SHALL REPORT
21 THE KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT TO THE COUNTY
22 DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR A LOCAL LAW
23 ENFORCEMENT AGENCY.

24 (12) INDIVIDUALLY IDENTIFIABLE INFORMATION COLLECTED FOR
25 OR BY THE SCREENER IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE
26 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
27 AMENDED. THE SCREENER IS THE CUSTODIAN OF ALL RECORDS

1 ASSOCIATED WITH MENTAL HEALTH SCREENINGS. THE SCREENER
2 MAY NOT DISCLOSE RECORDS OR INFORMATION WITHOUT WRITTEN
3 CONSENT FROM THE STUDENT, IF THE STUDENT IS OVER EIGHTEEN YEARS
4 OF AGE, OR THE STUDENT'S PARENT. ALL PARTIES SUBJECT TO THE
5 REQUIREMENTS OF THIS SECTION SHALL COMPLY WITH ALL APPLICABLE
6 REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
7 1990", 42 U.S.C. SEC. 12101, ET SEQ., AS AMENDED; SECTION 504 OF THE
8 FEDERAL "REHABILITATION ACT OF 1973, 29 U.S.C. SEC. 794, AS
9 AMENDED; AND TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964",
10 AS AMENDED.

11 (13) THE COMMISSIONER SHALL PROMULGATE RULES PURSUANT TO
12 ARTICLE 4 OF TITLE 24 AS NECESSARY TO IMPLEMENT AND ADMINISTER
13 THE MENTAL HEALTH SCREENING CREATED BY THIS SECTION.

14 (14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH
15 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DE-IDENTIFIED
16 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING
17 AVAILABLE TO THE SCHOOL IN ACCORDANCE WITH THE FEDERAL "HEALTH
18 INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L.
19 104-191, AS AMENDED.

20 (15) A STUDENT WHO IS HOME-SCHOOLED BUT WHO PARTICIPATES
21 IN EXTRACURRICULAR ACTIVITIES OR ATHLETIC PROGRAMS AT A
22 PARTICIPATING SCHOOL IS EXEMPT FROM THE MENTAL HEALTH SCREENING
23 PURSUANT TO THIS PART 9. NOTHING IN THIS SUBSECTION (15) EXEMPTS
24 A STUDENT WHO IS HOME-SCHOOLED FROM ANY OTHER RIGHTS PROVIDED
25 BY LAW.

26 (16) THE BHA SHALL WORK WITH THE DEPARTMENT OF HEALTH
27 CARE POLICY AND FINANCING TO IDENTIFY A PROCESS FOR

1 REIMBURSEMENT FOR SCREENINGS OR RELATED SERVICES PROVIDED TO
2 ANY STUDENT COVERED BY THE STATE MEDICAL ASSISTANCE PROGRAM,
3 TO THE GREATEST EXTENT ALLOWABLE PURSUANT TO STATE AND FEDERAL
4 REQUIREMENTS.

5 ■ ■
6 **SECTION 2.** In Colorado Revised Statutes, 12-245-217, **amend**
7 **(2)(g) and (2)(h); and add (2)(i) as follows:**

8 **12-245-217. Scope of article - exemptions.** (2) This article 245
9 **does not apply to:**

10 **(g) Students who are enrolled in a school program and are**
11 **practicing as part of a school practicum or clinical program; or**

12 **(h) A professional practicing auricular acudetox in accordance**
13 **with section 12-245-233; OR**

14 **(i) SCREENERS CONDUCTING SCREENINGS PURSUANT TO THE SIXTH**
15 **THROUGH TWELFTH GRADE MENTAL HEALTH SCREENING PROGRAM**
16 **CREATED IN SECTION 27-50-903.**

17 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
18 \$475,278 is appropriated to the department of human services for use by
19 the behavioral health administration. This appropriation is from the
20 general fund and is based on an assumption that the behavioral health
21 administration will require an additional 2.0 FTE. To implement this act,
22 the behavioral health administration may use this appropriation for the
23 sixth through twelfth grade mental health screening program related to
24 community-based mental health services.

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety.