

CHAPTER 101

HUMAN SERVICES - BEHAVIORAL HEALTH

HOUSE BILL 24-1406

BY REPRESENTATIVE(S) Bird and Taggart, Sirota, Amabile, Bacon, Boesenecker, Brown, Clifford, Daugherty, Duran, English, Epps, Froelich, Garcia, Hamrick, Hernandez, Herod, Joseph, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Martinez, Marvin, Mauro, McCormick, McLachlan, Ortiz, Parenti, Ricks, Rutinel, Story, Titone, Valdez, Velasco, Willford, Woodrow, Young, McCluskie;

also SENATOR(S) Bridges and Kirkmeyer, Zenzinger, Cutter, Exum, Hinrichsen, Marchman, Michaelson Jenet, Mullica, Priola, Roberts.

AN ACT

CONCERNING THE CREATION OF THE SCHOOL-BASED MENTAL HEALTH SUPPORT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Young people are experiencing historic levels of mental distress, with suicide reported as the second leading cause of death among youth ages 10 to 24 in 2021, and there are consistently disproportionate rates of suicide among youth in rural areas, youth of color, and other underserved youth. In 2021, Colorado health-care practitioners also declared a state of emergency for youth mental health.

(b) Public schools are a natural congregation point and de facto provider of mental health services for many young people, but public schools are often under-resourced and under-equipped to provide high-quality, evidence-based mental health support;

(c) While hiring additional mental health practitioners is crucial, Colorado must also better utilize the expertise and relationships of the existing educator workforce currently providing mental health support to youth;

(d) Educators and school-based mental health professionals have high rates of attrition because they often do not receive sufficient training and resources to

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

provide suitable care to youth who need mental health support, and, as a result, public schools are often unable to provide adequate mental health support;

(e) With the implementation of the sixth through twelfth grade mental health screening program, public schools must be equipped with the appropriate resources to help youth who are in need of mental health support but who are either unable to access, or have exhausted, available resources and external support services and need additional school-based services;

(f) In order to better equip the existing public school workforce with evidence-based practices, increase educator efficacy, and reduce burnout, educators must be supported and trained in how to promote mental wellness for youth; provide cognitive behavioral skill-building and mindfulness skill-building for youth who demonstrate additional need for mental health support; provide resources to manage suicide risk; and coordinate care among families, schools, and external providers for youth who have suicidal ideation; and

(g) Colorado's rapidly growing youth mental health crisis impacts the state's health-care and education systems and therefore requires a state-funded public health response.

(2) (a) Therefore, the general assembly declares that assisting public schools in implementing and sustaining mental health multi-tiered systems of mental health support would greatly benefit Colorado youth.

(b) To assist public schools, the general assembly intends to scale a school-based mental health support program to 400 schools by the 2027-28 school year.

SECTION 2. In Colorado Revised Statutes, **add 27-50-804** as follows:

27-50-804. School-based mental health support program - creation - appropriation - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COGNITIVE BEHAVIORAL SKILL-BUILDING" MEANS A THEORETICAL FRAMEWORK UNDERLYING A SET OF SKILLS THAT MAY BE TAUGHT TO HELP AN INDIVIDUAL IMPROVE EMOTIONAL DIFFICULTIES RANGING FROM MILD WORRY OR DISAPPOINTMENT TO SEVERE DEPRESSION, ANXIETY, OR OTHER MENTAL ILLNESSES.

(b) "EVIDENCE-BASED" MEANS PRACTICES, INTERVENTIONS, OR PROGRAMS THAT ARE SUPPORTED BY EXTENSIVE EMPIRICAL DATA, INCLUDING RANDOMIZED CONTROLLED TRIALS, SUPPORTING THEIR EFFICACY FOR THEIR INTENDED PURPOSE.

(c) "HIGH-QUALITY TRAINING" MEANS IN-PERSON OR VIRTUAL TRAINING THAT INCLUDES CONTENT ON THEORY, RATIONALE, AND CONCRETE SKILLS; LEVERAGES DEMONSTRATIONS AND SKILLS PRACTICE WITH FEEDBACK; IS GROUNDED IN THE FIELD OF IMPLEMENTATION SCIENCE; AND TAKES INTO ACCOUNT THE CLINICAL AND ENVIRONMENTAL BARRIERS TO IMPLEMENTATION.

(d) "IMPLEMENTATION AND SUSTAINMENT SUPPORT" MEANS PROVIDING IN-PERSON OR VIRTUAL COACHING TO ASSIST PUBLIC SCHOOLS IN PLANNING,

EXECUTING, AND REFLECTING, AND IN BUILDING SYSTEMS TO EMBED, PROGRAM PRACTICES IN SCHOOL OPERATIONS, PREFERABLY IN PARTNERSHIP WITH COMMUNITY-BASED OR HOSPITAL-BASED LICENSED MENTAL HEALTH PROVIDERS.

(e) "MINDFULNESS" MEANS A FRAMEWORK AND SET OF PRACTICES FOR HELPING AN INDIVIDUAL IMPROVE AWARENESS OF THE INDIVIDUAL'S OWN THOUGHTS, EMOTIONS, PHYSICAL FEELINGS, AND BEHAVIORS TO INCREASE THE INDIVIDUAL'S RESILIENCY IN RESPONSE TO COMMON LIFE EVENTS.

(f) "MULTI-TIERED SYSTEMS OF SUPPORT" MEANS A FRAMEWORK FOR ENHANCING THE IMPLEMENTATION OF EVIDENCE-BASED PRACTICES TO ACHIEVE POSITIVE OUTCOMES FOR EVERY STUDENT BY ORGANIZING THE EFFORTS OF EDUCATORS WITHIN SYSTEMS TO BE MORE EFFECTIVE.

(g) "PROGRAM" MEANS THE SCHOOL-BASED MENTAL HEALTH SUPPORT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) THERE IS CREATED IN THE BEHAVIORAL HEALTH ADMINISTRATION THE SCHOOL-BASED MENTAL HEALTH SUPPORT PROGRAM TO PROVIDE HIGH-QUALITY TRAINING, RESOURCES, AND IMPLEMENTATION AND SUSTAINMENT SUPPORT FOR THE EXISTING PUBLIC SCHOOL EDUCATOR WORKFORCE TO PROVIDE EVIDENCE-BASED MENTAL HEALTH SERVICES FOR STUDENTS THROUGH A CONTRACT WITH AN EXTERNAL PROVIDER. THE PROGRAM SHALL EMPHASIZE SUPPORTING SCHOOLS IN RURAL AREAS AND SCHOOLS WITH STUDENTS WHO DO NOT HAVE EQUITABLE ACCESS TO MENTAL HEALTH CARE.

(3) (a) NO LATER THAN JANUARY 1, 2025, THE BHA SHALL CONTRACT WITH AN EXTERNAL PROVIDER TO BEGIN IMPLEMENTING THE PROGRAM NO LATER THAN THE START OF THE 2025-26 SCHOOL YEAR.

(b) IN CONTRACTING WITH AN EXTERNAL PROVIDER, THE BHA SHALL:

(I) ESTABLISH A TIMELINE THAT THE EXTERNAL PROVIDER SHALL FOLLOW IN IMPLEMENTING THE PROGRAM;

(II) ESTABLISH A PLAN TO EVALUATE THE EFFICACY OF THE PROGRAM ACROSS SCHOOL TYPES AND STUDENT POPULATIONS;

(III) DETERMINE, IN CONSULTATION WITH THE EXTERNAL PROVIDER, PERIODIC DATES ON WHICH TO PROVIDE FUNDING TO THE EXTERNAL PROVIDER IN ORDER FOR THE EXTERNAL PROVIDER TO MAKE NECESSARY PURCHASES AND INVESTMENTS TO IMPLEMENT THE PROGRAM; AND

(IV) COLLABORATE WITH THE EXTERNAL PROVIDER TO DETERMINE THE COST OF IMPLEMENTING THE PROGRAM IN AT LEAST FOUR HUNDRED PUBLIC SCHOOLS BY THE START OF THE 2027-28 SCHOOL YEAR.

(4) (a) AN INTERESTED EXTERNAL PROVIDER MUST APPLY FOR THE CONTRACT IN THE MANNER PRESCRIBED BY THE BHA.

(b) THE BHA SHALL SELECT AN EXTERNAL PROVIDER THAT:

(I) DOES NOT HAVE LICENSING AGREEMENTS THAT PROHIBIT THE USE OF CURRICULA OR RESOURCES THAT A SCHOOL DISTRICT ALREADY USES OR INTENDS TO USE IN THE FUTURE; AND

(II) HAS BEEN SUBJECT TO EXTERNAL, THIRD-PARTY EVALUATIONS THAT INDICATE ITS EFFICACY AMONG SEVERAL DIFFERENT SCHOOL TYPES AND WITH SEVERAL DIFFERENT STUDENT SUBPOPULATIONS.

(c) WHEN SELECTING AN EXTERNAL PROVIDER, THE BHA SHALL CONSIDER WHETHER AN APPLICANT IS ABLE TO:

(I) PROVIDE HIGH-QUALITY TRAINING, RESOURCES, AND IMPLEMENTATION AND SUSTAINMENT SUPPORT ACROSS ALL THREE TIERS OF THE MULTI-TIERED SYSTEMS OF SUPPORT, WHICH INCLUDE:

(A) CLASSROOM-BASED MENTAL WELLNESS AND RESILIENCY SKILLS FOR STUDENTS;

(B) COGNITIVE BEHAVIORAL SKILL-BUILDING AND MINDFULNESS SKILL-BUILDING FOR ANXIETY OR DEPRESSION FOR YOUTH WHO DEMONSTRATE AN ADDITIONAL NEED FOR MENTAL HEALTH SUPPORT; AND

(C) RESOURCES AND TRAINING TO MANAGE SUICIDE RISK AND COORDINATE CARE AMONG FAMILIES, SCHOOLS, AND EXTERNAL PROVIDERS FOR YOUTH WHO ARE AT RISK OF SUICIDE; AND

(II) IN CONSIDERATION OF LOCAL CONTROL, FLEXIBLY PARTNER WITH SCHOOL DISTRICTS TO ENABLE SCHOOL DISTRICTS TO DECIDE WHICH TIERS FROM AMONG THE MENTAL HEALTH MULTI-TIERED SYSTEMS OF SUPPORT TO IMPLEMENT; AND

(III) USE EVIDENCE-BASED MENTAL HEALTH PRACTICES THAT HAVE BEEN SUBJECT TO EXTERNAL EVALUATION, RANDOMIZED CONTROLLED TRIALS, AND PEER REVIEW.

(5) IN SELECTING THE EXTERNAL PROVIDER, THE BHA SHALL PRIORITIZE APPLICANTS THAT:

(a) ARE A NOT-FOR-PROFIT ENTITY;

(b) INCUR ONE-TIME COSTS AND DO NOT REQUIRE RECURRING OR ADDITIONAL EXPENSES PAID FOR BY THE BHA BEYOND THE FIRST YEAR OF IMPLEMENTATION;

(c) HAVE A DEMONSTRATED HISTORY OF PARTNERSHIPS, AND A CLEAR STRATEGY FOR BUILDING FUTURE PARTNERSHIPS, WITH COMMUNITY OR HOSPITAL-BASED PROVIDERS TO ASSIST PUBLIC SCHOOLS IN IMPLEMENTING MENTAL HEALTH SUPPORTS FOR STUDENTS; AND

(d) HAVE A DEMONSTRATED HISTORY OF FUNDING INTERNAL AND EXTERNAL EVALUATIONS OF THE EFFICACY OF THE EXTERNAL PROVIDER'S PROGRAM IN PARTNERSHIP WITH INSTITUTIONS OF HIGHER EDUCATION OR ORGANIZATIONS THAT HAVE SIMILAR SKILLS IN CONDUCTING RANDOMIZED CONTROLLED TRIALS AND OTHER QUANTITATIVE AND QUALITATIVE EVALUATION TECHNIQUES.

(6) (a) FOR THE 2024-25 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND TO THE DEPARTMENT OF HUMAN SERVICES FOR USE BY THE BHA TO ADMINISTER THE PROGRAM.

(b) THE BHA MAY USE UP TO ONE HUNDRED THOUSAND DOLLARS OF THE TOTAL APPROPRIATION TO ADMINISTER THE APPLICATION AND SELECTION PROCESS DESCRIBED IN SUBSECTIONS (4) AND (5) OF THIS SECTION.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 3. Appropriation. For the 2024-25 state fiscal year, \$2,500,000 is appropriated to the department of human services for use by the behavioral health administration. This appropriation is from the general fund. To implement this act, the administration may use this appropriation for the school-based mental health support program.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: April 18, 2024