

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION

LLS NO. 23-0055.02 Chelsea Princell x4335

HOUSE BILL

HOUSE SPONSORSHIP

Michaelson Jenet,

SENATE SPONSORSHIP

Cutter,

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.

UNOFFICIAL PREAMENDED VERSION

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1 FOR EARLY IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH THE
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 MAY BE SUFFERING
22 FROM A MENTAL OR EMOTIONAL HEALTH CONCERN WITH RESOURCES AND
23 REFERRALS TO ADDRESS THE STUDENT'S MENTAL OR EMOTIONAL HEALTH
24 CONCERNS.

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

27 (3) TO PARTICIPATE IN THE PROGRAM, A PUBLIC SCHOOL MUST

1 NOTIFY THE DEPARTMENT, IN THE MANNER PRESCRIBED BY THE
2 DEPARTMENT, BEFORE MAY 1 IN THE YEAR BEFORE THE SCHOOL YEAR
3 THAT THE PUBLIC SCHOOL WANTS TO BEGIN PARTICIPATION.

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

8 (a) THE PURPOSE FOR THE SCREENING;

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

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

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

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

23 (f) A STATEMENT THAT A CHILD TWELVE YEARS OF AGE OR OLDER
24 MAY CONSENT TO THE MENTAL HEALTH SCREENING PURSUANT TO SECTION
25 12-245-203.5 DESPITE THE PARENT'S REQUEST TO OPT OUT; AND

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

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

6 (6) A MENTAL HEALTH SCREENING MUST:

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

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

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

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

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

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

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

23 (a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

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

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

1 (d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE
2 MENTAL HEALTH SCREENING PROGRAM WITH RELIABLE AND CONSISTENT
3 PERFORMANCE;

4 (e) BE TRAUMA-INFORMED; AND

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

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

11 (10) (a) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
12 RESULTS, THE SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING
13 SUICIDE, PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF
14 IMMEDIATE ATTENTION FROM A MENTAL HEALTH PROFESSIONAL, THE
15 SCREENER SHALL IMMEDIATELY NOTIFY THE STUDENT'S PARENTS AND
16 SCHOOL. AFTER RECEIVING SUCH NOTIFICATION, THE SCHOOL SHALL
17 FOLLOW THE SCHOOL'S CRISIS RESPONSE POLICY.

18 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
19 RESULTS, THE SCREENER BELIEVES A STUDENT MAY BE SUFFERING FROM
20 A MENTAL HEALTH CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE
21 STATED IN SUBSECTION (10)(a) OF THIS SECTION, AND IS IN NEED OF
22 ADDITIONAL MENTAL HEALTH SERVICES, THE SCREENER SHALL NOTIFY THE
23 STUDENT'S PARENT WITHIN FORTY-EIGHT HOURS AFTER THE STUDENT
24 COMPLETES THE MENTAL HEALTH SCREENING AND PROVIDE THE
25 STUDENT'S PARENT WITH INFORMATION ON RESOURCES AND SERVICES
26 PROVIDED THROUGH iMATTER, INCLUDING HOW TO APPLY FOR SERVICES
27 THROUGH iMATTER, IF:

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

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

4 (c) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING
5 RESULTS, THE SCREENER BELIEVES A STUDENT MAY BE SUFFERING FROM
6 A MENTAL HEALTH CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE
7 STATED IN SUBSECTION (10)(a) OF THIS SECTION, AND IS IN NEED OF
8 ADDITIONAL MENTAL HEALTH SERVICES, THE SCREENER SHALL REFER THE
9 STUDENT TO A MATTER FOR MENTAL HEALTH SERVICES WITHIN FORTY-
10 EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL HEALTH
11 SCREENING IF THE STUDENT IS TWELVE YEARS OF AGE OR OLDER AND DOES
12 NOT CONSENT TO THE NOTIFICATION PURSUANT TO SUBSECTION (10)(b)(II)
13 OF THIS SECTION.

14 (11) IF AT ANY TIME DURING THE MENTAL HEALTH SCREENING THE
15 SCREENER BELIEVES THAT A STUDENT IS A VICTIM OF CHILD ABUSE OR
16 NEGLECT OR THAT THE CHILD'S HOME SITUATION PRESENTS AN IMMEDIATE
17 SERIOUS THREAT OF HARM TO THE CHILD, THE SCREENER SHALL REPORT
18 THE KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT TO THE STUDENT'S
19 SCHOOL.

20 (12) INDIVIDUALLY IDENTIFIABLE INFORMATION COLLECTED FOR
21 OR BY THE SCREENER IS SUBJECT TO THE FEDERAL "HEALTH INSURANCE
22 PORTABILITY AND ACCOUNTABILITY ACT OF 1996", PUB.L. 104-191, AS
23 AMENDED. THE SCREENER IS THE CUSTODIAN OF ALL RECORDS
24 ASSOCIATED WITH MENTAL HEALTH SCREENINGS. THE SCREENER MAY NOT
25 DISCLOSE RECORDS OR INFORMATION WITHOUT WRITTEN CONSENT FROM
26 THE STUDENT, IF THE STUDENT IS OVER EIGHTEEN YEARS OF AGE, OR THE
27 STUDENT'S PARENT. ALL PARTIES SUBJECT TO THE REQUIREMENTS OF THIS

1 SECTION SHALL COMPLY WITH ALL APPLICABLE REQUIREMENTS OF THE
2 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
3 12101, ET SEQ., AS AMENDED; SECTION 504 OF THE FEDERAL
4 "REHABILITATION ACT OF 1973, 29 U.S.C. SEC. 794, AS AMENDED; AND
5 TITLE VI OF THE FEDERAL "CIVIL RIGHTS ACT OF 1964", AS AMENDED.

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

9 (14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH
10 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DISAGGREGATED
11 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING
12 AVAILABLE TO THE SCHOOL.

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

15 **27-60-109. Temporary youth mental health services program**
16 **- established - report - rules - definitions - repeal.** (1) As used in this
17 section, unless the context otherwise requires:

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

20 (2) (a) There is established in the behavioral health administration
21 the temporary youth mental health services program to facilitate access
22 to mental health services, including substance use disorder services, for
23 youth to respond to mental health needs identified in an initial mental
24 health screening through the portal, including those needs that may have
25 resulted from the COVID-19 pandemic. The program reimburses
26 providers for up to three mental health sessions with a youth.

27 (5.5) (c) This subsection (5.5) is repealed, effective June 30, 2024.

1 (d) FOR THE 2024-25 STATE FISCAL YEAR AND EACH STATE FISCAL
2 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY
3 TO THE STATE DEPARTMENT FOR THE PURPOSE OF THIS SECTION. THE
4 STATE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR
5 DONATIONS FROM ANY PUBLIC OR PRIVATE RESOURCES FOR THE PURPOSE
6 OF THIS SECTION.

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

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

10 **27-50-105. Administration of behavioral health programs -**
11 **state plan - sole mental health authority.** (1) The BHA shall administer
12 and provide the following behavioral health programs and services:

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

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

