

**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**

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**HOUSE SPONSORSHIP**

**Michaelson Jenet,**

**SENATE SPONSORSHIP**

**Cutter,**

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**House Committees**

Public & Behavioral Health & Human Services  
Appropriations

**Senate Committees**

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**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.**

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**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.*

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.

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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

1 QUESTIONNAIRE COMPLETED BY A PARTICIPATING STUDENT THAT IS USED  
2 FOR EARLY IDENTIFICATION OF A MENTAL HEALTH CONCERN, WHICH  
3 CONCERN MAY BE EITHER VALIDATED OR REFUTED UPON REVIEW BY A  
4 SUBJECT MATTER EXPERT.

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

7 (4) "PARTICIPATING SCHOOL" MEANS A PUBLIC SCHOOL THAT  
8 MEETS THE REQUIREMENTS STATED IN SECTION 25-20.5-2003 (2) AND  
9 PARTICIPATES IN THE SIXTH THROUGH TWELFTH GRADE MENTAL HEALTH  
10 SCREENING PROGRAM CREATED IN THIS PART 20.

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

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

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

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

26 (2) A PUBLIC SCHOOL MAY PARTICIPATE IN THE PROGRAM  
27 PURSUANT TO THIS PART 20 IF THE PUBLIC SCHOOL SERVES ANY OF GRADES

1 SIX THROUGH TWELVE AND:

2 (a) LACKS A SCHOOL-BASED HEALTH CENTER;

3 (b) HAS FEWER THAN THE RECOMMENDED NUMBER OF SCHOOL  
4 PSYCHOLOGISTS BASED ON THE RECOMMENDED STUDENT-TO-SCHOOL  
5 PSYCHOLOGIST RATIO; OR

6 (c) HAS A HIGH RISK OF STUDENT SUICIDE AMONG ITS STUDENT  
7 POPULATION BASED ON DATED RESULTS FROM THE HEALTHY KIDS  
8 COLORADO SURVEY OR ANOTHER DATA MEASURE.

9 (3) TO PARTICIPATE IN THE PROGRAM, A PUBLIC SCHOOL MUST  
10 NOTIFY THE DEPARTMENT, IN THE MANNER PRESCRIBED BY THE  
11 DEPARTMENT, BEFORE MAY 1 IN THE YEAR BEFORE THE SCHOOL YEAR  
12 THAT THE PUBLIC SCHOOL WANTS TO BEGIN PARTICIPATION.

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

17 (a) THE PURPOSE FOR THE SCREENING;

18 (b) THE SCREENER SELECTED TO CONDUCT THE MENTAL HEALTH  
19 SCREENING;

20 (c) THE DATE AND TIME THE MENTAL HEALTH SCREENING IS  
21 SCHEDULED;

22 (d) A STATEMENT THAT THE PARENT WILL BE NOTIFIED FOLLOWING  
23 ANY MENTAL HEALTH SCREENING IF ADDITIONAL RESOURCES OR SERVICE  
24 REFERRALS ARE NECESSARY TO ADDRESS THE STUDENT'S MENTAL HEALTH  
25 CONCERN. THIS STATEMENT MUST ALSO STATE THAT THIS NOTIFICATION  
26 WILL ONLY BE PROVIDED TO THE PARENTS OF A CHILD TWELVE YEARS OF  
27 AGE OR OLDER IF THE CHILD CONSENTS TO THE NOTIFICATION.

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

5 (f) A STATEMENT THAT A CHILD TWELVE YEARS OF AGE OR OLDER  
6 MAY CONSENT TO THE MENTAL HEALTH SCREENING PURSUANT TO SECTION  
7 12-245-203.5 DESPITE THE PARENT'S REQUEST TO OPT OUT; AND

8 (g) ANY OTHER INFORMATION DETERMINED NECESSARY BY THE  
9 DEPARTMENT OR PARTICIPATING SCHOOL.

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

15 (6) A MENTAL HEALTH SCREENING MUST:

16 (a) BE CONDUCTED AT THE PARTICIPATING SCHOOL IN THE MANNER  
17 PRESCRIBED BY THE DEPARTMENT; ■

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

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

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

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

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

1 (8) THE DEPARTMENT SHALL SELECT A SCREENER TO CONDUCT THE  
2 MENTAL HEALTH SCREENINGS THROUGH A REQUEST FOR PROPOSALS  
3 PROCESS ESTABLISHED BY THE DEPARTMENT. AT A MINIMUM, THE  
4 SCREENER SHALL:

5 (a) NOT PROVIDE DIRECT MENTAL HEALTH SERVICES;

6 (b) HAVE THE INFRASTRUCTURE AND ABILITY TO OPERATE  
7 STATEWIDE;

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

10 (d) HAVE EXPERIENCE DELIVERING AND MANAGING A STATEWIDE  
11 MENTAL HEALTH SCREENING PROGRAM WITH RELIABLE AND CONSISTENT  
12 PERFORMANCE;

13 (e) BE TRAUMA-INFORMED; AND

14 (f) COMPLY WITH ANY OTHER REQUIREMENTS THE DEPARTMENT  
15 DETERMINES NECESSARY.

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

20 (10) (a) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING  
21 RESULTS, THE SCREENER BELIEVES A STUDENT IS AT RISK OF ATTEMPTING  
22 SUICIDE, PHYSICAL SELF-HARM, HARMING OTHERS, OR IS IN NEED OF  
23 IMMEDIATE ATTENTION FROM A MENTAL HEALTH PROFESSIONAL, THE  
24 SCREENER SHALL IMMEDIATELY NOTIFY THE STUDENT'S PARENTS AND  
25 SCHOOL. AFTER RECEIVING SUCH NOTIFICATION, THE SCHOOL SHALL  
26 FOLLOW THE SCHOOL'S CRISIS RESPONSE POLICY AND MUST IMMEDIATELY  
27 NOTIFY THE SCHOOL DISTRICT'S SECTION 504 COORDINATOR AND SPECIAL

1 EDUCATION DIRECTOR. THIS INFORMATION MUST NOT BE USED TO  
2 PREVENT A STUDENT FROM CONTINUING TO ATTEND SCHOOL; EXCEPT THAT  
3 A SCHOOL SHALL ADHERE TO SECTION 504 AND DISCIPLINARY  
4 PROTECTIONS PURSUANT TO THE FEDERAL "INDIVIDUALS WITH  
5 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED, SUCH  
6 AS REQUIRING THAT THE STUDENT PARTICIPATE IN A THREAT OR RISK  
7 ASSESSMENT BEFORE RETURNING TO SCHOOL.

8 (b) IF, AFTER REVIEWING THE MENTAL HEALTH SCREENING  
9 RESULTS, THE SCREENER BELIEVES A STUDENT HAS A MENTAL HEALTH  
10 CONCERN, INCLUDING, BUT NOT LIMITED TO, THOSE STATED IN SUBSECTION  
11 (10)(a) OF THIS SECTION, AND IS IN NEED OF ADDITIONAL MENTAL HEALTH  
12 SERVICES, THE SCREENER SHALL NOTIFY THE STUDENT'S PARENT WITHIN  
13 FORTY-EIGHT HOURS AFTER THE STUDENT COMPLETES THE MENTAL  
14 HEALTH SCREENING AND PROVIDE THE STUDENT'S PARENT WITH  
15 INFORMATION ON RESOURCES AND SERVICES PROVIDED THROUGH  
16 IMATTER, INCLUDING HOW TO APPLY FOR SERVICES THROUGH IMATTER,  
17 AND INFORMATION ABOUT THE RIGHTS OF STUDENTS WITH DISABILITIES  
18 PURSUANT TO SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF  
19 1973", 29 U.S.C. SEC. 794, AS AMENDED; AND THE FEDERAL "INDIVIDUALS  
20 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400, AS AMENDED,  
21 IF:

- 22 (I) THE STUDENT IS UNDER TWELVE YEARS OF AGE; OR
- 23 (II) THE STUDENT IS TWELVE YEARS OF AGE OR OLDER AND  
24 CONSENTS TO THE NOTIFICATION.

25 (c) 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 REFER THE STUDENT TO IMATTER FOR  
3 MENTAL HEALTH SERVICES WITHIN FORTY-EIGHT HOURS AFTER THE  
4 STUDENT COMPLETES THE MENTAL HEALTH SCREENING IF THE STUDENT IS  
5 TWELVE YEARS OF AGE OR OLDER AND DOES NOT CONSENT TO THE  
6 NOTIFICATION PURSUANT TO SUBSECTION (10)(b)(II) OF THIS SECTION.

7 (11) IF AT ANY TIME DURING THE MENTAL HEALTH SCREENING THE  
8 SCREENER BELIEVES THAT A STUDENT IS A VICTIM OF CHILD ABUSE OR  
9 NEGLECT OR THAT THE CHILD'S HOME SITUATION PRESENTS AN IMMEDIATE  
10 SERIOUS THREAT OF HARM TO THE CHILD, THE SCREENER SHALL REPORT  
11 THE KNOWN OR SUSPECTED CHILD ABUSE OR NEGLECT TO THE STUDENT'S  
12 SCHOOL.

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

26 (13) THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT TO  
27 ARTICLE 4 OF TITLE 24 AS NECESSARY TO IMPLEMENT AND ADMINISTER



1 THE MENTAL HEALTH SCREENING CREATED BY THIS SECTION.

2 (14) WITHIN SIX MONTHS AFTER CONDUCTING A MENTAL HEALTH  
3 SCREENING AT A SCHOOL, THE SCREENER SHALL MAKE DISAGGREGATED  
4 DATA CONCERNING THE RESULTS OF THE MENTAL HEALTH SCREENING  
5 AVAILABLE TO THE SCHOOL.

6

7 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,  
8 \$475,278 is appropriated to the department of public health and  
9 environment for use by the prevention services division. This  
10 appropriation is from the general fund and is based on an assumption that  
11 the department will require an additional 2.0 FTE. To implement this act,  
12 the division may use this appropriation for the sixth through twelfth grade  
13 mental health assessment program related to children and youth health.

14 **SECTION 3. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, or safety.