

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_ Date February 14, 2019  
Chair of Committee

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB19-1017 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **add** article 99 to  
4 title 22 as follows:

5 **ARTICLE 99**  
6 **Colorado K-5 Social and Emotional Health Act**  
7 **22-99-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 99 IS  
8 THE "COLORADO K-5 SOCIAL AND EMOTIONAL HEALTH ACT".

9 **22-99-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
10 FINDS THAT:

11 (a) SCHOOL MENTAL HEALTH PROFESSIONALS, INCLUDING SCHOOL  
12 SOCIAL WORKERS, POSITIVELY IMPACT THE SCHOOL ENVIRONMENT BY  
13 WORKING WITH YOUNG STUDENTS AND THEIR FAMILIES TO IDENTIFY  
14 SAFETY NET INSECURITIES, SOCIAL AND EMOTIONAL SKILLS DEFICITS,  
15 INSTANCES OF ABUSE AND NEGLECT, AND MENTAL HEALTH CHALLENGES;

16 (b) IDENTIFYING THESE STUDENT ISSUES AS EARLY AS POSSIBLE  
17 INCREASES THE LIKELIHOOD THAT PROBLEMS CAN BE RESOLVED  
18 SUCCESSFULLY AND IN A MANNER THAT DECREASES LONG-TERM  
19 PROBLEMS WITH LEARNING AND OTHER BARRIERS TO STUDENT SUCCESS IN  
20 THE FUTURE;

21 (c) A PILOT PROGRAM THAT PLACES A TEAM OF SCHOOL MENTAL  
22 HEALTH PROFESSIONALS IN EVERY PILOT PROGRAM SCHOOL WILL ALLOW  
23 THE TEAM, IN PARTNERSHIP WITH CLASSROOM TEACHERS, TO PROVIDE  
24 NEEDED SUPPORT FOR YOUNG STUDENTS AND THEIR FAMILIES AT A

1 CRITICAL TIME IN THEIR EDUCATION;

2 (d) A SIGNIFICANT GOAL OF THE PILOT PROGRAM IS TO ENSURE  
3 THAT STUDENTS OF ELEMENTARY AGE RECEIVE THE RIGHT LEVEL OF  
4 NECESSARY SERVICES, IN THE RIGHT PLACE, AND AT THE RIGHT TIME; AND

5 (e) RECEIVING THE RIGHT LEVEL OF SERVICES, IN THE RIGHT PLACE,  
6 AND AT THE RIGHT TIME HELPS REMOVE THE BURDEN PLACED ON  
7 TEACHERS TO BE EVERYTHING TO A STUDENT, FROM THERAPIST TO FAMILY  
8 COUNSELOR, AND INSTEAD ALLOWS TEACHERS TO RETURN TO THEIR  
9 PRIMARY TASK: TEACHING.

10 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE  
11 CREATION AND SUCCESSFUL IMPLEMENTATION OF A COLORADO K-5  
12 SOCIAL AND EMOTIONAL HEALTH PILOT PROGRAM COULD HAVE A  
13 PROFOUND IMPACT ON THE EARLY EDUCATIONAL AND SOCIAL  
14 EXPERIENCES OF KINDERGARTEN THROUGH FIFTH-GRADE STUDENTS,  
15 RESULTING IN THOSE STUDENTS GRADUATING TO MIDDLE AND HIGH  
16 SCHOOL PROGRAMS WITH FEWER SOCIAL, EMOTIONAL, AND BEHAVIORAL  
17 ISSUES; ADVERSE CHILDHOOD EXPERIENCES; DISCIPLINARY REFERRALS  
18 AND DELINQUENT CONDUCT; SCHOOL ABSENCES AND TRUANCY; AND  
19 INCIDENCES OF SELF-HARM.

20 **22-99-103. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
23 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

24 (2) "PILOT PROGRAM" MEANS THE K-5 SOCIAL AND EMOTIONAL  
25 HEALTH PILOT PROGRAM, CREATED IN SECTION 22-99-104.

26 (3) "PILOT SCHOOL" MEANS A SCHOOL SELECTED BY THE  
27 DEPARTMENT TO PARTICIPATE IN THE PILOT PROGRAM CREATED IN  
28 SECTION 22-99-104 FOR STUDENTS IN KINDERGARTEN THROUGH FIFTH  
29 GRADE.

30 (4) "SCHOOL COUNSELOR" MEANS A COUNSELOR HOLDING A  
31 MASTER'S DEGREE IN EDUCATIONAL COUNSELING AND A PROFESSIONAL  
32 SPECIAL SERVICES LICENSE IN COLORADO WITH AN ENDORSEMENT IN  
33 SCHOOL COUNSELING, INCLUDING BUT NOT LIMITED TO THE COMPLETION  
34 OF COURSE WORK IN THE AREAS OF ACADEMIC AND SOCIAL EMOTIONAL  
35 DEVELOPMENT; ASSESSMENT FOR SOCIAL AND EMOTIONAL CONCERNS,  
36 INCLUDING SUICIDE PREVENTION AND INTERVENTION; CRISIS  
37 INTERVENTION; SOCIAL EMOTIONAL PREVENTION PROGRAMS, INCLUDING  
38 CHARACTER EDUCATION AND VIOLENCE PREVENTION; MENTAL HEALTH,  
39 PROTECTIVE FACTORS FOR AT-RISK STUDENTS, AND CAREER AWARENESS,  
40 EXPLORATION, AND PLANNING.

41 (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED

1 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A LOCAL  
2 COLLEGE DISTRICT.

3 (6) "SCHOOL MENTAL HEALTH PROFESSIONAL" MEANS A SCHOOL  
4 COUNSELOR, A SCHOOL PSYCHOLOGIST, OR A SCHOOL SOCIAL WORKER.

5 (7) "SCHOOL PSYCHOLOGIST" MEANS A PSYCHOLOGIST HOLDING  
6 A MASTER'S DEGREE AND A PROFESSIONAL SPECIAL SERVICES LICENSE IN  
7 COLORADO WITH A SCHOOL PSYCHOLOGIST ENDORSEMENT.

8 (8) "SCHOOL SOCIAL WORKER" MEANS A SOCIAL WORKER HOLDING  
9 A MASTER'S DEGREE AND A PROFESSIONAL SPECIAL SERVICES LICENSE IN  
10 COLORADO WITH AN ENDORSEMENT IN SCHOOL SOCIAL WORK, INCLUDING  
11 BUT NOT LIMITED TO THE COMPLETION OF COURSE WORK IN THE AREAS OF  
12 SCHOOL AND SPECIAL EDUCATION LAW, INCLUDING CONTENT COVERING  
13 FUNCTIONAL BEHAVIOR ASSESSMENT AND THE DEVELOPMENT OF  
14 BEHAVIOR INTERVENTION PLANS.

15 **22-99-104. K-5 social and emotional health pilot program -**  
16 **creation - selection of pilot schools - rules.** (1) THERE IS CREATED THE  
17 K-5 SOCIAL AND EMOTIONAL HEALTH PILOT PROGRAM IN THE  
18 DEPARTMENT TO DETERMINE THE IMPACT OF DEDICATED SCHOOL MENTAL  
19 HEALTH PROFESSIONALS IN KINDERGARTEN THROUGH FIFTH GRADE IN  
20 ELEMENTARY SCHOOLS THAT HAVE HIGH-POVERTY, HIGH-NEED STUDENTS.  
21 THE PILOT PROGRAM IS IMPLEMENTED WITHIN THE SELECTED PILOT  
22 SCHOOLS AND ADMINISTERED BY THE DEPARTMENT. OPERATION OF THE  
23 PILOT PROGRAM BEGINS IN THE 2020-21 SCHOOL YEAR AND CONTINUES  
24 THROUGH THE CONCLUSION OF THE 2022-23 SCHOOL YEAR, UNLESS THE  
25 REPEAL OF THE PILOT PROGRAM IS EXTENDED BY THE GENERAL ASSEMBLY.  
26 PURSUANT TO SECTION 22-99-106, THE DEPARTMENT SHALL EMPLOY OR  
27 CONTRACT WITH A PILOT PROGRAM COORDINATOR AND CONTRACT FOR  
28 PRELIMINARY AND FINAL PROGRAM EVALUATIONS OF THE PILOT PROGRAM.  
29 THE DEPARTMENT SHALL PROMULGATE ANY RULES NECESSARY FOR THE  
30 ADMINISTRATION OF THE PILOT PROGRAM.

31 (2) (a) NO LATER THAN JANUARY 15, 2020, THE DEPARTMENT  
32 SHALL SELECT UP TO TEN PILOT SCHOOLS TO PARTICIPATE IN THE PILOT  
33 PROGRAM. THE DEPARTMENT SHALL SELECT PILOT SCHOOLS THAT EXHIBIT  
34 THE CHARACTERISTICS SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION  
35 AND THAT ARE APPROPRIATE TEST SCHOOLS TO EVALUATE THE IMPACT  
36 AND EFFECTIVENESS OF THE PILOT PROGRAM. THE PILOT SCHOOLS MUST  
37 DEMONSTRATE A WILLINGNESS TO PARTICIPATE IN THE PILOT PROGRAM  
38 AND TO COLLECT THE DATA AND INFORMATION NECESSARY FOR THE  
39 EVALUATION OF THE PILOT PROGRAM.

40 (b) THE DEPARTMENT SHALL SELECT PILOT SCHOOLS, INCLUDING  
41 RURAL, SMALL, AND GEOGRAPHICALLY DIVERSE SCHOOLS, WHICH SCHOOLS

1 SHALL HAVE A HIGH-POVERTY STUDENT POPULATION AND A HIGH  
2 PERCENTAGE OF STUDENTS WHO EXPERIENCE OR MAY EXPERIENCE FOOD  
3 INSECURITY, AS EVIDENCED BY THE NUMBER OR PERCENTAGE OF  
4 STUDENTS IN THE SCHOOL WHO ARE ELIGIBLE FOR FREE AND  
5 REDUCED-PRICED MEALS; AND MAY INCLUDE SCHOOLS:

6 (I) IN LARGE, METROPOLITAN SCHOOL DISTRICTS;  
7 (II) THAT HAVE SIGNIFICANT ETHNIC, CULTURAL, AND LANGUAGE  
8 DIVERSITY WITHIN THEIR STUDENT POPULATIONS, WHICH MAY INCLUDE  
9 STUDENTS FROM REFUGEE POPULATIONS;

10 (III) THAT HAVE A HIGH NUMBER OR DENSITY OF YOUTH WHO ARE  
11 STUDENTS IN OUT-OF-HOME PLACEMENT, AS DEFINED IN SECTION  
12 22-32-138;

13 (VI) THAT ARE IN A SCHOOL DISTRICT THAT HAS A HIGH  
14 PERCENTAGE OF STUDENTS WHO ARE ADJUDICATED DELINQUENT; AND

15 (VII) THAT ARE IN A SCHOOL DISTRICT THAT HAS A HIGH RATE OF  
16 YOUTH SUICIDE, ATTEMPTED SUICIDE, OR SUICIDAL IDEATION.

17 **22-99-105. Implementation of pilot program.** (1) IN THE FIRST  
18 AND SUBSEQUENT YEARS OF OPERATION OF THE PILOT PROGRAM, EACH  
19 PILOT SCHOOL SHALL EMPLOY OR CONTRACT WITH ADDITIONAL SCHOOL  
20 MENTAL HEALTH PROFESSIONALS SO THAT EACH OF GRADES ONE THROUGH  
21 FIVE AND THE KINDERGARTEN PROGRAM IN EACH PILOT SCHOOL HAS A  
22 SCHOOL MENTAL HEALTH PROFESSIONAL DEDICATED TO EACH GRADE AND  
23 THE KINDERGARTEN PROGRAM. IF A SINGLE GRADE OR THE KINDERGARTEN  
24 PROGRAM HAS MORE THAN ONE HUNDRED STUDENTS, ADDITIONAL SCHOOL  
25 MENTAL HEALTH PROFESSIONALS MUST BE ADDED TO THE GRADE OR  
26 KINDERGARTEN PROGRAM TO MAINTAIN A RATIO OF APPROXIMATELY ONE  
27 SCHOOL MENTAL HEALTH PROFESSIONAL PER ONE HUNDRED STUDENTS, AS  
28 DETERMINED BY THE PILOT SCHOOL. A SMALL PILOT SCHOOL SHALL  
29 MAINTAIN A RATIO OF APPROXIMATELY ONE SCHOOL MENTAL HEALTH  
30 PROFESSIONAL PER ONE HUNDRED STUDENTS, AS DETERMINED BY THE  
31 PILOT SCHOOL. AT LEAST ONE OF THE SCHOOL MENTAL HEALTH  
32 PROFESSIONALS AT EACH PILOT SCHOOL MUST BE A SCHOOL SOCIAL  
33 WORKER.

34 (2) THE GOAL OF THE PILOT PROGRAM IS FOR A SCHOOL MENTAL  
35 HEALTH PROFESSIONAL TO DEVELOP AN ONGOING RELATIONSHIP WITH  
36 PILOT SCHOOL STUDENTS AND TO FOLLOW THOSE STUDENTS, TO THE  
37 EXTENT POSSIBLE, AS THE STUDENTS ADVANCE THROUGH THE GRADES AT  
38 THE PILOT SCHOOL. THIS WILL ALLOW THE SCHOOL MENTAL HEALTH  
39 PROFESSIONAL TO UNDERSTAND THE NEEDS OF THE STUDENTS AND THEIR  
40 FAMILIES OVER TIME AND TO HELP ADDRESS THOSE NEEDS OVER TIME, IF  
41 NECESSARY. TO ACHIEVE THIS GOAL, SCHOOL MENTAL HEALTH

1 PROFESSIONALS MAY BE ASSIGNED TO A COHORT OF STUDENTS BY GRADE  
2 OR, IN A SMALLER SCHOOL, BY MULTIPLE GRADES. SCHOOL MENTAL  
3 HEALTH PROFESSIONALS IN EACH PILOT SCHOOL SHALL WORK AS A TEAM  
4 TO ADDRESS THE ACADEMIC AND SOCIAL EMOTIONAL NEEDS OF THE PILOT  
5 SCHOOL'S STUDENTS.

6 (3) FOR PURPOSES OF IMPLEMENTING THIS PILOT PROGRAM, THE  
7 GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT FOR  
8 DISTRIBUTION TO THE PILOT SCHOOLS, OR TO THE GOVERNING BODY FOR  
9 THE PILOT SCHOOL, THE AMOUNT OF MONEY NECESSARY FOR THE PILOT  
10 SCHOOLS TO EMPLOY OR CONTRACT WITH THE NUMBER OF ADDITIONAL  
11 SCHOOL MENTAL HEALTH PROFESSIONALS NECESSARY TO IMPLEMENT THE  
12 PILOT PROGRAM, AS DESCRIBED SUBSECTION (1) OF THIS SECTION.  
13 THROUGHOUT THE DURATION OF THE PILOT PROGRAM, THE PILOT SCHOOL  
14 MUST EMPLOY OR CONTRACT WITH, AT THE PILOT SCHOOL'S EXPENSE, THE  
15 SAME NUMBER OF SCHOOL MENTAL HEALTH PROFESSIONALS EMPLOYED BY  
16 OR CONTRACTED WITH THE PILOT SCHOOL DURING THE 2019-20 SCHOOL  
17 YEAR, SO THAT THE APPROPRIATION TO THE PILOT SCHOOL FOR THE PILOT  
18 PROGRAM SUPPLEMENTS, BUT DOES NOT SUPPLANT, THE PILOT SCHOOL'S  
19 EXISTING EXPENDITURES FOR SCHOOL MENTAL HEALTH PROFESSIONAL  
20 POSITIONS PRIOR TO THE OPERATION OF THE PILOT PROGRAM.

21 (4) (a) IN IMPLEMENTING THE PILOT PROGRAM, THE SCHOOL  
22 MENTAL HEALTH PROFESSIONALS SHALL WORK AS A TEAM, WITH EACH  
23 PROFESSIONAL PROVIDING SERVICES TO STUDENTS AND OFFERING  
24 TRAINING AND RESOURCES TO SCHOOL FACULTY AND ADMINISTRATORS  
25 THAT ARE AUTHORIZED UNDER THE SCHOOL MENTAL HEALTH  
26 PROFESSIONAL'S SPECIAL SERVICES LICENSE AND ENDORSEMENT. IN  
27 ADDITION, SCHOOL MENTAL HEALTH PROFESSIONALS MAY, CONSISTENT  
28 WITH THE SCHOOL MENTAL HEALTH PROFESSIONAL'S JOB DUTIES AND  
29 LICENSURE:

30 (I) ASSIST STUDENTS WITH APPLYING FOR AND OBTAINING  
31 NECESSARY PUBLIC BENEFITS FOR WHICH EACH STUDENT IS ELIGIBLE;

32 (II) PROVIDE SERVICES AND SUPPORTS TO STUDENTS WHO HAVE AN  
33 INDIVIDUALIZED EDUCATION PROGRAM, AS PROVIDED IN SECTION  
34 22-20-108;

35 (III) CONSULT AND COORDINATE WITH OTHER SCHOOL  
36 PROFESSIONALS ON BEHALF OF STUDENTS AND SUPPORT FAMILIES  
37 ACCESSING COMMUNITY-BASED RESOURCES AS NEEDED AND  
38 APPROPRIATE;

39 (IV) PROVIDE THE SCHOOL WITH RESOURCES TO DEVELOP AND  
40 IMPROVE THE SOCIAL AND EMOTIONAL HEALTH OF STUDENTS;

41 (V) PROVIDE SOCIAL AND EMOTIONAL SKILL BUILDING IN THE

1 SCHOOL AND WITH STUDENTS IN THE CLASSROOM; AND  
2 (VI) IDENTIFY FOOD INSECURITY, HOMELESSNESS, AND OTHER  
3 ISSUES AFFECTING STUDENTS AND MAKE REFERRALS TO SERVICES WITHIN  
4 THE COMMUNITY, BRINGING THOSE SERVICES INTO THE SCHOOL SETTING  
5 WHERE POSSIBLE.  
6 (b) AS APPROPRIATE, AND TO THE EXTENT POSSIBLE, THE SCHOOL  
7 MENTAL HEALTH PROFESSIONAL MUST PROVIDE SERVICES OR ARRANGE  
8 FOR SERVICES TO BE PROVIDED FOR STUDENTS AT THE SCHOOL AND  
9 DURING SCHOOL HOURS OR WHEN STUDENT BUSING IS AVAILABLE.  
10 (c) SERVICES PROVIDED BY THE SCHOOL MENTAL HEALTH  
11 PROFESSIONAL TO THE STUDENT MUST INCLUDE THE STUDENT'S FAMILY  
12 AND HOUSEHOLD, WHERE APPROPRIATE. THE SCHOOL MENTAL HEALTH  
13 PROFESSIONAL IS SPECIFICALLY AUTHORIZED TO MAKE HOME VISITS WHEN  
14 APPROPRIATE UNDER THE CIRCUMSTANCES AND CONSISTENT WITH  
15 LICENSURE.  
16 (5) EACH PILOT SCHOOL'S TEAM OF SCHOOL MENTAL HEALTH  
17 PROFESSIONALS SHALL PARTICIPATE IN THE SCHOOL'S OR SCHOOL  
18 DISTRICT'S MULTI-TIERED SYSTEMS OF SUPPORT PROCESS TO ASSIST IN  
19 DEVELOPING APPROPRIATE PLANS FOR THE MENTAL HEALTH AND  
20 BEHAVIORAL NEEDS OF INDIVIDUAL STUDENTS.  
21 (6) EACH PILOT SCHOOL, OR EACH PILOT SCHOOL'S GOVERNING  
22 BODY, WHERE APPROPRIATE, SHALL COLLECT, TRANSMIT, AND RETAIN ANY  
23 DATA AND INFORMATION NECESSARY FOR THE EVALUATION OF THE PILOT  
24 PROGRAM PURSUANT TO SECTION 22-99-106. EACH PILOT SCHOOL SHALL  
25 RECORD THE UNIQUE STUDENT IDENTIFIER, AS DEFINED IN SECTION  
26 22-16-103, FOR ALL STUDENTS ENROLLED IN THE PILOT SCHOOL.  
27 **22-99-106. Pilot program coordinator - evaluation of pilot**  
28 **program - student impacts and outcomes.** (1) THE DEPARTMENT SHALL  
29 EMPLOY OR CONTRACT WITH A PILOT PROGRAM COORDINATOR TO OVERSEE  
30 THE IMPLEMENTATION OF THE PILOT PROGRAM ACROSS THE PILOT  
31 SCHOOLS. THE PILOT PROGRAM COORDINATOR MUST BE A SCHOOL SOCIAL  
32 WORKER WHO SHALL WORK WITH EACH PILOT SCHOOL'S TEAM OF SCHOOL  
33 MENTAL HEALTH PROFESSIONALS. THE DUTIES OF THE PILOT PROGRAM  
34 COORDINATOR INCLUDE, AT A MINIMUM:  
35 (a) COORDINATING DATA COLLECTION AND PROGRAM EVALUATION  
36 REQUIREMENTS WITH THE PROFESSIONAL PROGRAM EVALUATOR RETAINED  
37 PURSUANT TO SUBSECTION (2) OF THIS SECTION;  
38 (b) SERVING AS A CONTACT PERSON AND RESOURCE FOR TEAMS OF  
39 SCHOOL MENTAL HEALTH PROFESSIONALS IN THE PILOT SCHOOLS;  
40 (c) SHARING BEST PRACTICES RELATING TO THE PILOT PROGRAM  
41 AND ITS IMPLEMENTATION AT THE PILOT SCHOOLS; AND

1 (d) ENSURING FIDELITY TO THE GOALS OF THE PILOT PROGRAM  
2 ACROSS THE PILOT SCHOOLS.

3 (2) (a) THE DEPARTMENT SHALL SELECT A PROFESSIONAL  
4 PROGRAM EVALUATOR TO COMPLETE A PRELIMINARY EVALUATION OF THE  
5 PILOT PROGRAM ON OR BEFORE SEPTEMBER 1, 2022, AND A FINAL  
6 EVALUATION OF THE PILOT PROGRAM TO BE COMPLETED ON OR BEFORE  
7 SEPTEMBER 1, 2023. THE DEPARTMENT SHALL CONTRACT WITH THE  
8 EVALUATOR PRIOR TO THE IMPLEMENTATION OF THE PILOT PROGRAM IN  
9 THE PILOT SCHOOLS DURING THE 2020-21 SCHOOL YEAR TO CREATE A  
10 PROCESS FOR THE COLLECTION AND TRANSMISSION OF DATA AND  
11 INFORMATION TO THE EVALUATOR TO ENSURE THAT THE EVALUATOR HAS  
12 THE DATA AND INFORMATION NECESSARY TO COMPLETE THE PRELIMINARY  
13 AND FINAL REPORTS CONCERNING THE IMPACT AND OUTCOMES OF THE  
14 PILOT PROGRAM. THE PILOT PROGRAM EVALUATOR, IN CONJUNCTION WITH  
15 THE DEPARTMENT, SHALL SELECT A GROUP OF CONTROL SCHOOLS THAT  
16 HAVE SCHOOL CHARACTERISTICS AND STUDENT DEMOGRAPHICS SIMILAR  
17 TO THOSE OF THE PILOT SCHOOLS, TO SERVE AS A CONTROL GROUP FOR  
18 PURPOSES OF EVALUATING THE IMPACTS AND OUTCOMES OF THE PILOT  
19 PROGRAM ON PARTICIPATING STUDENTS AND PILOT SCHOOLS. DATA  
20 COLLECTED FOR PILOT SCHOOLS AND CONTROL GROUP SCHOOLS MUST  
21 INCLUDE DATA FROM SCHOOL CLIMATE AND HEALTHY SCHOOLS SURVEYS  
22 FOR ANY GRADE IN WHICH SUCH SURVEYS HAVE BEEN CREATED.

23 (b) THE DEPARTMENT SHALL SELECT A PROFESSIONAL PROGRAM  
24 EVALUATOR THAT HAS THE KNOWLEDGE AND SKILLS NECESSARY TO  
25 EVALUATE THE EFFECTIVENESS OF SERVICES PROVIDED BY THE PILOT  
26 PROGRAM AND THE RESULTING IMPACTS AND OUTCOMES OF THE PILOT  
27 PROGRAM ON THE STUDENT COHORTS PARTICIPATING IN THE PILOT  
28 PROGRAM. THE DEPARTMENT IS ENCOURAGED, BUT IS NOT REQUIRED, TO  
29 CONTRACT WITH A STATE INSTITUTION OF HIGHER EDUCATION TO  
30 COMPLETE THE EVALUATION OF THE PILOT PROGRAM.

31 (c) THE DEPARTMENT AND THE PILOT SCHOOLS SHALL COOPERATE  
32 FULLY WITH THE PILOT PROGRAM EVALUATOR'S COLLECTION AND  
33 ANALYSIS OF DATA AND INFORMATION RELATING TO THE PILOT PROGRAM'S  
34 IMPACT AND OUTCOMES. THE DEPARTMENT, PILOT SCHOOLS, THE PILOT  
35 PROGRAM COORDINATOR, AND THE CONTRACTED EVALUATOR SHALL  
36 COMPLY WITH ALL STATE AND FEDERAL LAWS RELATING TO THE  
37 CONFIDENTIALITY OF ACADEMIC AND MEDICAL RECORDS OF STUDENTS  
38 AND SHALL PROVIDE AGGREGATED DATA WHERE APPROPRIATE.

39 (d) THE PILOT PROGRAM EVALUATOR SHALL DETERMINE THE  
40 IMPACT OF THE PILOT PROGRAM ON STUDENTS' ACADEMIC, MENTAL,  
41 SOCIAL EMOTIONAL, AND PHYSICAL HEALTH AND WELL-BEING. THE

1 EVALUATOR SHALL COLLECT AND ANALYZE DATA RELATING TO STUDENT  
2 AND SCHOOL OUTCOMES, WHICH OUTCOMES MAY INCLUDE:

3 (I) THE INCREASE OR DECREASE IN STUDENTS' DISCIPLINARY  
4 REFERRALS, EITHER WITHIN THE PILOT SCHOOL, OR PILOT SCHOOL'S  
5 DISTRICT, IF RELEVANT, OR WITH LAW ENFORCEMENT, AND THE INCREASE  
6 OR DECREASE IN STUDENTS ADJUDICATED DELINQUENT WITHIN THE PILOT  
7 SCHOOL'S DISTRICT;

8 (II) THE INCREASE OR DECREASE IN STUDENTS' LOST INSTRUCTION  
9 TIME DUE TO DISCIPLINARY ACTION OR VISITS TO THE SCHOOL NURSE OR  
10 SCHOOL COUNSELOR;

11 (III) THE INCREASE OR DECREASE IN EXCUSED AND UNEXCUSED  
12 ABSENCES AND TRUANCY;

13 (IV) THE INCREASE OR DECREASE IN OVERALL STUDENT  
14 PERFORMANCE ON STATEWIDE ASSESSMENTS, BY GRADE;

15 (V) THE INCREASE OR DECREASE IN THE STUDENT COHORTS'  
16 GRADE POINT AVERAGE, BY GRADE;

17 (VI) THE INCREASE IN ACCESS TO SUPPORTIVE SERVICES FOR  
18 STUDENTS AND THEIR FAMILIES, AS EVIDENCED BY:

19 (VII) AN INCREASE IN THE NUMBER OR PERCENTAGE OF STUDENTS  
20 IDENTIFIED AS ELIGIBLE FOR FREE OR REDUCED-PRICE MEALS, BY GRADE;

21 (VIII) AN INCREASE IN EMPLOYMENT OUTCOMES FOR STUDENTS'  
22 FAMILIES;

23 (IX) AN INCREASE OR DECREASE IN STUDENTS' FOOD SECURITY AS  
24 DEMONSTRATED BY AN INCREASE OR DECREASE IN THE NUMBER OR  
25 PERCENTAGE OF STUDENTS PARTICIPATING IN THE FEDERAL  
26 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

27 (X) AN INCREASE OR DECREASE IN THE NUMBER OR PERCENTAGE  
28 OF ELIGIBLE STUDENTS ACCESSING PUBLIC BENEFITS;

29 (XI) AN INCREASE OR DECREASE IN THE PILOT SCHOOLS'  
30 AWARENESS OF OR INVOLVEMENT WITH DOMESTIC VIOLENCE OR CHILD  
31 ABUSE ISSUES AFFECTING STUDENTS;

32 (XII) CHANGES TO THE SCHOOL CLIMATE DURING THE OPERATION  
33 OF THE PILOT PROGRAM AND EVALUATION OF SCHOOL CLIMATE AND  
34 HEALTHY SCHOOLS SURVEYS;

35 (XIII) THE REDUCTION IN ADVERSE CHILDHOOD EXPERIENCES OR  
36 THE POSITIVE RESOLUTION OF ADVERSE CHILDHOOD EXPERIENCES, IF  
37 AVAILABLE;

38 (XIV) THE REDUCTION IN YOUTH SUICIDE AND ATTEMPTED  
39 SUICIDE; AND

40 (XV) ANY OTHER RELEVANT DATA AND INFORMATION RELATING  
41 TO PILOT PROGRAM OUTCOMES AND IMPACTS AS DETERMINED BY THE



1 PILOT PROGRAM EVALUATOR.

2 **22-99-107. Appropriations for this article - gifts, grants, or**  
3 **donations.** (1) THE DEPARTMENT SHALL INCLUDE IN ITS ANNUAL BUDGET  
4 REQUEST TO THE GENERAL ASSEMBLY THE AMOUNT OF APPROPRIATIONS  
5 NECESSARY TO ADMINISTER THE PILOT PROGRAM AND EMPLOY OR  
6 CONTRACT WITH THE REQUIRED NUMBER OF SCHOOL MENTAL HEALTH  
7 PROFESSIONALS AND THE AMOUNT OF APPROPRIATIONS NECESSARY FOR  
8 THE ONGOING PROGRAM EVALUATION CONTRACT AND TO EMPLOY OR  
9 CONTRACT WITH THE PILOT PROGRAM COORDINATOR.

10 (2) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEY  
11 FROM THE MARIJUANA TAX CASH FUND, CREATED IN SECTION 39-28.8-501,  
12 TO THE DEPARTMENT TO BE USED FOR THE PILOT PROGRAM ESTABLISHED  
13 IN THIS ARTICLE 99.

14 (3) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
15 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE  
16 PURPOSES OF THIS ARTICLE 99.

17 **22-99-108. Repeal of article.** THIS ARTICLE 99 IS REPEALED,  
18 EFFECTIVE JULY 1, 2023.

19 **SECTION 2. Act subject to petition - effective date.** This act  
20 takes effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part will not take effect  
26 unless approved by the people at the general election to be held in  
27 November 2020 and, in such case, will take effect on the date of the  
28 official declaration of the vote thereon by the governor."

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