

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 01-0492.01 Beth Braby

**SENATE BILL 01-045**

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**SENATE SPONSORSHIP**

**Pascoe**

**HOUSE SPONSORSHIP**

**Larson**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE PROVISION OF MENTAL HEALTH SERVICES TO**  
102             **SCHOOL CHILDREN.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates the "Child Mental Health Services Act". Requires the state department of human services ("state department") to administer a mental health services program by utilizing community mental health centers to provide assessment and treatment services to school children in need of mental health services. Requires community mental health centers to meet and cooperate with school districts, existing interagency committees at the local level, parents, and other interested parties to develop a plan to make mental health referral, assessment, and treatment services available

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

at every public school in Colorado. Requires the plan to do the following:

- Create a system for choosing a qualified person to act as a mental health liaison between each school and mental health center;
- Establish a process for providing mental health referral, assessment, and treatment services, upon consent of a child's parent or legal guardian, to any child referred to a community mental health center by the mental health liaison;
- Set specific responsibilities for the mental health liaison;
- Create a procedure for contacting the parent or legal guardian of a self-referred child or a child referred by a teacher or other licensed school district employee to create an opportunity for a meeting to discuss whether the child might reasonably benefit from a mental health assessment;
- Establish a process for a mental health liaison or other person designated by the plan, upon permission of the child's parent or legal guardian, to assess a child to determine if the child might benefit from mental health services and to recommend and facilitate additional assessment and treatment if further assessment or treatment is needed;
- Coordinate the plan developed with any existing plans;
- Develop a process by which school districts and boards of cooperative services shall offer training to teachers and other licensed employees of the school district in recognizing possible signs of mental illness.

Specifies that the director of the unit responsible for mental health services within the state department shall review each plan submitted by the community health centers and either approve the plan as submitted or, if necessary, work with the developers to design a plan that meets the specified requirements for approval.

Requires each school district to implement their approved plan no later than March 1, 2002.

Specifies that, upon permission of a parent or legal guardian, one or more community mental health centers within the school district shall provide assessment and treatment services to children recommended for treatment by the mental health liaison, unless a child is eligible for medicaid and is further referred to a mental health agency for services.

Requires every school district, individually or through a board of cooperative services, to work with the state department to offer training to teachers and other licensed school district employees on recognizing and understanding possible signs of school-aged mental illness.

States that any teacher or other licensed public school employee who observes a child that he or she reasonably believes may exhibit

common indicators of depression, schizophrenia, anxiety disorder, obsessive-compulsive disorder, or any other mental illness may refer such student to the mental health liaison.

Provides immunity from civil liability for any person acting in good faith in accordance with the provisions of the "Child Mental Health Service Act" in carrying out any powers or duties authorized by the act, and provides that any teacher or other person who acts in good faith and in compliance with this act shall not have his or her contract nonrenewed or be subject to any disciplinary action for carrying out any powers or duties authorized by the act.

Requires the community mental health centers and school districts that are partners in a mental health services plan to jointly report to the state department certain information. Requires the state department to report to the members of the general assembly the aggregate statewide information and to evaluate the effectiveness of the program.

States that if private insurance, the children's basic health plan, and medicaid funding fail to cover the costs of the services provided by the community mental health centers, the parent or legal guardian who has given his or her permission for services is responsible for paying the excess costs on a sliding scale basis. Requires remaining fees not covered by private insurance, the children's basic health plan, medicaid, or the parent or legal guardian to be paid from general fund moneys, subject to available appropriations. Requires the state board of human services to consult with the department of health care policy and financing to develop a sliding scale fee.

Requires boards of education to offer training to teachers and other licensed school district employees on recognizing and understanding possible signs of school-aged mental illness, and referring students for mental health services.

Requires the Colorado commission on higher education, in cooperation with the state board of education, to adopt a policy requiring teacher preparation programs to include instruction designed to assist teacher candidates in recognizing possible signs of and understanding school-aged mental illness and to provide teacher candidates information on how to refer children for mental health services.

Makes conforming amendments.

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

2 **SECTION 1.** Article 10.3 of title 27, Colorado Revised Statutes,

3 is amended BY THE ADDITION OF A NEW PART to read:

1 PART 2

2 CHILD MENTAL HEALTH SERVICES ACT

3 **27-10.3-201. Short title.** THIS PART 2 SHALL BE KNOWN AND MAY  
4 BE CITED AS THE "CHILD MENTAL HEALTH SERVICES ACT".

5 **27-10.3-202. Legislative declaration.** THE GENERAL ASSEMBLY  
6 HEREBY FINDS, DETERMINES, AND DECLARES THAT RECOGNIZING AND  
7 TREATING MENTAL ILLNESS IN CHILDREN IS ESSENTIAL FOR THE HEALTH  
8 AND SAFETY OF THE CITIZENS OF THE STATE OF COLORADO. IF \_\_\_\_\_  
9 CHILDREN WITH SIGNIFICANT MENTAL HEALTH CONCERNS ARE NOT  
10 TREATED, THEY MAY NOT ACHIEVE THEIR FULL POTENTIAL AND THEY MAY  
11 POSE A RISK TO SCHOOLS AND COMMUNITIES WITHIN THE STATE. EARLY  
12 DIAGNOSIS AND TREATMENT OF MENTAL ILLNESS IS THE BEST PREVENTION  
13 OF BEHAVIORS THAT MAY LEAD TO INVOLVEMENT IN THE JUVENILE JUSTICE  
14 SYSTEM AND SELF-DESTRUCTIVE BEHAVIORS. THEREFORE, THE GENERAL  
15 ASSEMBLY HEREBY DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE  
16 CITIZENS OF THE STATE OF COLORADO FOR EACH COMMUNITY TO CREATE  
17 AN APPROPRIATE SYSTEM THAT SHALL LEAD TO THE IDENTIFICATION,  
18 ASSESSMENT, AND TREATMENT OF CHILDREN WITH MENTAL ILLNESS WHO  
19 ATTEND PUBLIC SCHOOLS.

20 **27-10.3-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "BOARD OF COOPERATIVE SERVICES" SHALL HAVE THE SAME  
23 MEANING AS PROVIDED IN SECTION 22-5-103 (2), C.R.S.

24 (2) "CHILD MENTAL HEALTH SERVICES PROGRAM" MEANS THE  
25 PROGRAM FOR PUBLIC SCHOOL CHILDREN IN NEED OF MENTAL HEALTH  
26 SERVICES ESTABLISHED PURSUANT TO SECTION 27-10.3-204.

27 (3) "MENTAL HEALTH LIAISON" MEANS A PERSON DESIGNATED TO

1 ACT AS A MENTAL HEALTH CONTACT FOR A PUBLIC SCHOOL PURSUANT TO  
2 A PROCESS PROVIDED IN A PLAN APPROVED BY THE DIRECTOR OF THE UNIT  
3 RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE  
4 DEPARTMENT PURSUANT TO SECTION 27-10.3-204 (2).

5 (4) "SCHOOL CHILDREN" MEANS CHILDREN ENROLLED IN PUBLIC  
6 SCHOOLS IN \_\_\_\_\_ ELEMENTARY, OR SECONDARY SCHOOL THROUGH  
7 GRADE TWELVE AND CHILDREN ENROLLED IN A DISTRICT PRESCHOOL  
8 PROGRAM.

9 (5) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT ORGANIZED  
10 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR  
11 COLLEGE DISTRICT.

12 **27-10.3-204. Child mental health services program -**  
13 **development - implementation.** (1) A PROGRAM FOR SCHOOL CHILDREN  
14 IN NEED OF MENTAL HEALTH SERVICES IS HEREBY ESTABLISHED. \_\_\_\_\_

15 \_\_\_\_\_ THE STATE DEPARTMENT SHALL ADMINISTER THE CHILD  
16 MENTAL HEALTH SERVICES PROGRAM BY UTILIZING COMMUNITY MENTAL  
17 HEALTH CENTERS, AS DEFINED IN SECTION 27-10.3-103 (2) AND LICENSED  
18 PURSUANT TO SECTION 25-1-107 (1) (I), C.R.S., TO PROVIDE OR ARRANGE  
19 FOR THE PROVISION OF REFERRAL, ASSESSMENT, AND TREATMENT SERVICES  
20 TO SCHOOL CHILDREN IN NEED OF MENTAL HEALTH TREATMENT. THE  
21 STATE BOARD OF HUMAN SERVICES, IN ACCORDANCE WITH ARTICLE 4 OF  
22 TITLE 24, C.R.S., SHALL PROMULGATE SUCH RULES AS ARE NECESSARY FOR  
23 THE IMPLEMENTATION OF THIS PART 2.

24 (2) COMMUNITY MENTAL HEALTH CENTERS IN EACH SCHOOL  
25 DISTRICT SHALL JOINTLY MEET AND COOPERATE WITH THE BOARD OF  
26 EDUCATION OF THE SCHOOL DISTRICT IN WHICH THE CENTERS ARE  
27 LOCATED; ANY EXISTING COUNTY- OR DISTRICT-LEVEL INTERAGENCY

1 COMMITTEES WHOSE MEMBERS ARE REPRESENTATIVE OF AFFECTED  
2 AGENCIES; PARENTS OF STUDENTS IN THE SCHOOL DISTRICT, INCLUDING  
3 PARENTS OF STUDENTS WITH EMOTIONAL AND BEHAVIORAL CHALLENGES,  
4 AS SELECTED BY ASSOCIATIONS OR ORGANIZATIONS OF SUCH PARENTS; AND  
5 ANY OTHER INTERESTED PARTIES AS SPECIFIED IN GUIDELINES ESTABLISHED  
6 BY THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL HEALTH  
7 SERVICES IN THE STATE DEPARTMENT TO DEVELOP A PLAN TO PROVIDE  
8 MENTAL HEALTH REFERRAL, ASSESSMENT, AND TREATMENT SERVICES TO  
9 EVERY PUBLIC SCHOOL WITHIN THE SCHOOL DISTRICT. ANY TIME AFTER  
10 OCTOBER 1, 2001, BUT BEFORE MARCH 1, 2002, \_\_\_\_\_ THE  
11 COMMUNITY MENTAL HEALTH CENTERS IN EACH SCHOOL DISTRICT SHALL  
12 FILE THE PLAN WITH THE DIRECTOR OF THE UNIT RESPONSIBLE FOR MENTAL  
13 HEALTH SERVICES WITHIN THE STATE DEPARTMENT FOR REVIEW AND  
14 APPROVAL. THE PLAN SHALL BE DEVELOPED TO MEET LOCAL NEEDS AND  
15 TO RECOGNIZE AND TO MAXIMIZE THE USE OF LOCAL RESOURCES,  
16 INCLUDING EXISTING PROGRAMS IN SCHOOLS FOR MENTAL HEALTH  
17 REFERRAL, ASSESSMENT, AND TREATMENT SERVICES. THE PLAN SHALL  
18 PROVIDE SERVICES IN ADDITION TO EXISTING PUBLICLY FUNDED SERVICES;  
19 IT SHALL NOT SUPPLANT EXISTING PUBLICLY FUNDED SERVICES. EACH  
20 PLAN SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

21 (a) A PROCESS COORDINATED BY THE COMMUNITY MENTAL HEALTH  
22 CENTER TO IDENTIFY A PERSON WHO CAN MEET THE RESPONSIBILITIES OF  
23 A MENTAL HEALTH LIAISON BETWEEN THE SCHOOL AND THE MENTAL  
24 HEALTH CENTER AS SPECIFIED IN THE PLAN;

25 (b) A PROCESS FOR PROVIDING MENTAL HEALTH REFERRAL,  
26 ASSESSMENT, AND TREATMENT SERVICES TO ANY CHILD REFERRED TO THE  
27 COMMUNITY MENTAL HEALTH CENTER BY THE MENTAL HEALTH LIAISON,

1 UPON INFORMED CONSENT OF A CHILD’S PARENT OR LEGAL GUARDIAN OR  
2 UPON THE CONSENT OF A MINOR CHILD, WHEN AUTHORIZED PURSUANT TO  
3 LAW, AND SUBJECT TO AVAILABLE APPROPRIATIONS;

4 (c) SPECIFIC RESPONSIBILITIES FOR THE MENTAL HEALTH LIAISON;

5 (d) A PROCEDURE FOR CONTACTING THE PARENT OR LEGAL  
6 GUARDIAN OF ANY CHILD WHO IS SELF-REFERRED, REFERRED BY THE  
7 CHILD’S PARENT OR LEGAL GUARDIAN, OR REFERRED BY A TEACHER OR  
8 OTHER LICENSED SCHOOL DISTRICT EMPLOYEE, EXCEPT WHERE  
9 CONFIDENTIALITY IS OTHERWISE REQUIRED BY LAW. THE PROCEDURE  
10 SHALL PROVIDE AN OPPORTUNITY FOR THE PARENT OR LEGAL GUARDIAN TO  
11 MEET THE MENTAL HEALTH LIAISON AND TO DISCUSS WHETHER THE CHILD  
12 MIGHT REASONABLY BENEFIT FROM AN ASSESSMENT TO DETERMINE  
13 WHETHER THE CHILD MIGHT BE DANGEROUS TO HIMSELF OR HERSELF OR  
14 OTHERS OR MIGHT REASONABLY BENEFIT FROM MENTAL HEALTH SERVICES.

15 (e) FOR A CHILD WHO MIGHT REASONABLY BENEFIT FROM MENTAL  
16 HEALTH SERVICES, A PROCESS FOR THE MENTAL HEALTH LIAISON OR OTHER  
17 PERSON DESIGNATED BY THE LOCAL PLAN, UPON RECEIPT OF PERMISSION OF  
18 THE PARENT OR LEGAL GUARDIAN, TO ASSESS THE CHILD AND TO  
19 RECOMMEND AND FACILITATE ADDITIONAL ASSESSMENT AND TREATMENT  
20 BY OR THROUGH THE COMMUNITY MENTAL HEALTH CENTERS SERVING THE  
21 SCHOOL DISTRICT, IF FURTHER ASSESSMENT OR TREATMENT IS APPROPRIATE  
22 AND IS NOT OTHERWISE AVAILABLE IN THE SCHOOL DISTRICT OR THROUGH  
23 A PRIVATE PROVIDER;

24 (f) A PROCESS FOR MONITORING ANY CHILD RECEIVING SERVICES  
25 FROM OR THROUGH A COMMUNITY MENTAL HEALTH CENTER TO ENSURE  
26 AVAILABILITY OF SERVICES FOR THAT CHILD AND, IN CONJUNCTION WITH  
27 THE SERVICES PROVIDED TO SUCH CHILD, FOR THAT CHILD’S PARENT OR

1 LEGAL GUARDIAN, IF RECOMMENDED;

2 (g) A PROCESS FOR COORDINATING THE PLAN DEVELOPED WITH ANY  
3 EXISTING PLAN PURSUANT TO ARTICLE 20 OF TITLE 22, C.R.S.; \_\_\_\_\_

4 (h) A PROCESS BY WHICH SCHOOL DISTRICTS AND BOARDS OF  
5 COOPERATIVE SERVICES SHALL OFFER TRAINING OF TEACHERS AND OTHER  
6 LICENSED PERSONNEL EMPLOYED BY THE SCHOOL DISTRICT IN  
7 RECOGNIZING POSSIBLE SIGNS OF MENTAL ILLNESS;

8 (i) A PROCESS FOR MAINTAINING THE CONFIDENTIALITY OF THE  
9 NAME OF THE TEACHER OR OTHER LICENSED SCHOOL DISTRICT EMPLOYEE  
10 WHO MAKES A REFERRAL PURSUANT TO SUBSECTION (9) OF THIS SECTION  
11 THAT IS CONSISTENT WITH STATE LAW; AND

12 (j) A PROCESS FOR COORDINATING THE COLLECTION OF DATA  
13 REQUIRED FOR THE REPORT TO THE STATE DEPARTMENT PURSUANT TO  
14 SECTION 27-10.3-205.

15 (3) NOTHING IN THIS PART 2 SHALL PROHIBIT THE DEVELOPMENT OF  
16 A PLAN PURSUANT TO THIS SECTION THAT INVOLVES MORE THAN ONE  
17 SCHOOL DISTRICT IN THE COMMUNITY MENTAL HEALTH CENTER'S REGION.

18 (4) EACH PLAN DEVELOPED PURSUANT TO THIS PART 2 SHALL  
19 ENSURE THAT CURRENT PUBLICLY FUNDED SERVICES PROVIDED TO  
20 STUDENTS IN SCHOOLS ARE NOT SUPPLANTED.

21 (5) NO LATER THAN MAY 1, 2002, THE DIRECTOR OF THE UNIT  
22 RESPONSIBLE FOR MENTAL HEALTH SERVICES WITHIN THE STATE  
23 DEPARTMENT SHALL REVIEW EACH PLAN SUBMITTED BY THE COMMUNITY  
24 MENTAL HEALTH CENTERS. THE DIRECTOR SHALL EITHER APPROVE THE  
25 PLAN AS SUBMITTED, OR IF NECESSARY, SHALL WORK WITH THE  
26 DEVELOPERS OF THE PLAN TO DESIGN A PLAN THAT MEETS THE PROVISIONS  
27 OF THIS SECTION.

1           (6) NO LATER THAN AUGUST 1, 2002, EACH SCHOOL DISTRICT  
2 SHALL IMPLEMENT THE PLAN PREPARED AND APPROVED PURSUANT TO THIS  
3 SECTION.

4           (7) ONE OR MORE COMMUNITY MENTAL HEALTH CENTERS WITHIN  
5 THE SCHOOL DISTRICT SHALL PROVIDE TIMELY ASSESSMENT AND  
6 TREATMENT SERVICES TO CHILDREN RECOMMENDED FOR TREATMENT BY  
7 A MENTAL HEALTH LIAISON PURSUANT TO THIS PART 2, SUBJECT TO  
8 AVAILABLE APPROPRIATIONS; EXCEPT THAT CHILDREN FURTHER REFERRED  
9 BY A COMMUNITY MENTAL HEALTH CENTER TO A MENTAL HEALTH AGENCY  
10 FOR SERVICES DUE TO SUCH CHILDREN'S ELIGIBILITY FOR MEDICAL  
11 ASSISTANCE SHALL RECEIVE ASSESSMENT AND TREATMENT SERVICES FROM  
12 THE MENTAL HEALTH AGENCY. A COMMUNITY MENTAL HEALTH CENTER OR  
13 MENTAL HEALTH AGENCY SHALL NOT BE REQUIRED TO EXPEND MONEYS  
14 FOR THE IMPLEMENTATION OF THIS PART 2 IN EXCESS OF THE MONEYS  
15 APPROPRIATED FOR THIS PART 2, INCLUDING COSTS OF REPORTING,  
16 REFERRAL, AND ASSESSMENT AND TREATMENT SERVICES AND COSTS  
17 ASSOCIATED WITH A COMMUNITY MENTAL HEALTH CENTER'S LIAISON'S  
18 COORDINATING AND MONITORING PURSUANT TO THE PLAN.

19           (8) EVERY SCHOOL DISTRICT, INDIVIDUALLY OR THROUGH A BOARD  
20 OF COOPERATIVE SERVICES, SHALL WORK WITH THE STATE DEPARTMENT TO  
21 OFFER TRAINING TO TEACHERS AND OTHER LICENSED SCHOOL DISTRICT  
22 EMPLOYEES ON RECOGNIZING POSSIBLE SIGNS OF AND UNDERSTANDING OF  
23 SCHOOL-AGED MENTAL ILLNESS. SUCH TRAINING SHALL BE OFFERED BY  
24 NOVEMBER 1, 2002, AND REPEATED PERIODICALLY THEREAFTER.

25           (9) ANY TEACHER OR OTHER LICENSED SCHOOL DISTRICT  
26 EMPLOYEE WHO OBSERVES A CHILD THAT HE OR SHE REASONABLY  
27 BELIEVES SHOWS POSSIBLE SIGNS OF A MENTAL ILLNESS, SUCH AS

1 DEPRESSION, SCHIZOPHRENIA, ANXIETY DISORDER, OBSESSIVE-COMPULSIVE  
2 DISORDER, OR ANY OTHER MENTAL ILLNESS, MAY REFER SUCH CHILD TO  
3 THE MENTAL HEALTH LIAISON AS PROVIDED IN THE PLAN. EACH PLAN  
4 SHALL ADDRESS THE CONFIDENTIALITY OF THE NAME OF THE PERSON  
5 REFERRING A CHILD TO THE MENTAL HEALTH LIAISON. \_\_\_\_\_  
6 \_\_\_\_\_

7 THE STATE BOARD OF HUMAN SERVICES BY RULE SHALL IDENTIFY  
8 INDICATORS OF DEPRESSION, SCHIZOPHRENIA, ANXIETY DISORDER, AND  
9 OBSESSIVE-COMPULSIVE DISORDER AS A REFERENCE FOR TEACHERS AND  
10 OTHER LICENSED SCHOOL DISTRICT PERSONNEL.

11 (10) (a) ANY PERSON ACTING IN GOOD FAITH IN ACCORDANCE WITH  
12 THE PROVISIONS OF THIS PART 2 IN CARRYING OUT ANY POWERS OR DUTIES  
13 AUTHORIZED BY THIS PART 2 SHALL BE IMMUNE FROM CIVIL LIABILITY FOR  
14 ANY DAMAGES ARISING FROM ACTIONS TAKEN IN CARRYING OUT THIS PART  
15 2; A PERSON ACTING WILLFULLY OR WANTONLY IN VIOLATION OF THIS PART  
16 2 SHALL NOT BE IMMUNE FROM LIABILITY.

17 (b) THE COURT SHALL DISMISS ANY CIVIL ACTION RESULTING FROM  
18 ACTIONS TAKEN BY A TEACHER OR ANY OTHER PERSON PURSUANT TO THIS  
19 SECTION UPON A FINDING BY THE COURT THAT THE PERSON ACTED IN GOOD  
20 FAITH COMPLIANCE WITH THE PROVISIONS OF THIS SECTION AND IS  
21 THEREFORE IMMUNE FROM CIVIL LIABILITY PURSUANT TO PARAGRAPH (a)  
22 OF THIS SUBSECTION (10). THE COURT SHALL AWARD COURT COSTS AND  
23 REASONABLE ATTORNEY FEES TO THE PREVAILING PARTY IN ANY CIVIL  
24 ACTION DISMISSED PURSUANT TO THIS PARAGRAPH (b).

25 (c) A TEACHER OR ANY OTHER PERSON WHO ACTS IN GOOD FAITH  
26 AND IN COMPLIANCE WITH THIS PART 2 SHALL NOT HAVE HIS OR HER  
27 CONTRACT NONRENEWED OR BE SUBJECT TO ANY DISCIPLINARY

1 PROCEEDINGS, INCLUDING DISMISSAL, AS A RESULT OF SUCH LAWFUL  
2 ACTIONS, NOR SHALL THE ACTIONS OF SUCH PERSON BE REFLECTED IN ANY  
3 WRITTEN EVALUATION OR OTHER PERSONNEL RECORD CONCERNING SUCH  
4 PERSON.

5 **27-10.3-205. Monitoring - report.** (1) ON OR BEFORE JULY 1,  
6 2004, THE COMMUNITY MENTAL HEALTH CENTERS, AFTER CONSULTATION  
7 WITH THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS IN WHICH THE  
8 CENTERS ARE LOCATED, UNLESS OTHERWISE SPECIFIED IN THE PLAN  
9 DEVELOPED PURSUANT TO SECTION 27-10.3-204 (2), SHALL REPORT TO THE  
10 STATE DEPARTMENT THE \_\_\_\_\_

11 FOLLOWING INFORMATION:

12 (a) A REVIEW OF THE PLAN DEVELOPED AND IMPLEMENTED  
13 PURSUANT TO SECTION 27-10.3-204;

14 (b) THE NUMBER OF CHILDREN TO WHOM THE FOLLOWING SERVICES  
15 WERE PROVIDED:

16 (I) REFERRAL TO THE MENTAL HEALTH LIAISON;

17 (II) ASSESSMENT BY THE MENTAL HEALTH LIAISON OR OTHER  
18 PERSON DESIGNATED BY THE PLAN;

19 (III) TREATMENT BY THE COMMUNITY MENTAL HEALTH CENTER;

20 (IV) REFERRAL BY THE COMMUNITY MENTAL HEALTH CENTER TO  
21 A MENTAL HEALTH AGENCY;

22 (c) THE NUMBER OF TEACHERS AND OTHER SCHOOL DISTRICT  
23 EMPLOYEES WHO RECEIVED TRAINING IN RECOGNIZING AND  
24 UNDERSTANDING POSSIBLE SIGNS OF SCHOOL-AGED MENTAL ILLNESS AND  
25 THE PROCESS FOR REFERRING A STUDENT FOR MENTAL HEALTH SERVICES  
26 PURSUANT TO THIS PART 2.

27 (2) ON OR BEFORE JANUARY 15, 2005, THE STATE DEPARTMENT

1 SHALL REPORT THE AGGREGATE STATEWIDE INFORMATION RECEIVED  
2 PURSUANT TO SUBSECTION (1) OF THIS SECTION TO THE MEMBERS OF THE  
3 GENERAL ASSEMBLY, AND SHALL EVALUATE THE EFFECTIVENESS OF THIS  
4 PART 2.

5 **27-10.3-206. Funding - rules.** (1) IF NEITHER A CHILD'S PARENT'S  
6 OR LEGAL GUARDIAN'S PRIVATE INSURANCE, THE CHILDREN'S BASIC HEALTH  
7 PLAN, NOR MEDICAL ASSISTANCE FUNDING COVERS ALL OF THE COSTS  
8 ASSOCIATED WITH THE SERVICES PROVIDED TO A CHILD THROUGH A  
9 COMMUNITY MENTAL HEALTH CENTER PURSUANT TO THIS PART 2, THEN THE  
10 PARENT OR LEGAL GUARDIAN OF A CHILD NOT COVERED BY MEDICAL  
11 ASSISTANCE WHO CONSENTS TO TREATMENT, OR THE MINOR CHILD WHO  
12 CONSENTS TO TREATMENT PURSUANT TO LAW, SHALL BE RESPONSIBLE FOR  
13 PAYING THE PORTION THAT IS NOT COVERED BY PRIVATE INSURANCE, THE  
14 CHILDREN'S BASIC HEALTH PLAN, OR MEDICAL ASSISTANCE ON A SLIDING  
15 SCALE BASIS AS SET FORTH IN SUBSECTION (2) OF THIS SECTION. FOR A  
16 CHILD NOT COVERED BY MEDICAL ASSISTANCE, ANY REMAINING PORTION  
17 OF THE SERVICES NOT COVERED BY PRIVATE INSURANCE, THE CHILDREN'S  
18 BASIC HEALTH PLAN, OR THE PARENT'S OR LEGAL GUARDIAN'S SHARE SHALL  
19 BE PAID FROM GENERAL FUND MONEYS, SUBJECT TO AVAILABLE  
20 APPROPRIATIONS.

21 (2) THE STATE BOARD OF HUMAN SERVICES, IN CONSULTATION  
22 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING, SHALL  
23 PROMULGATE RULES IMPLEMENTING A SLIDING SCALE FEE FOR THE  
24 PAYMENT OF SERVICES RECEIVED PURSUANT TO THIS PART 2 THAT ARE NOT  
25 COVERED BY PRIVATE INSURANCE OR MEDICAL ASSISTANCE FUNDING.

26 \_\_\_\_\_  
27 \_\_\_\_\_

1           **SECTION 2.** 23-1-121, Colorado Revised Statutes, is amended  
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3           **23-1-121. Commission directive - approval of teacher**  
4 **preparation programs.** (2.5) ON OR BEFORE JULY 1, 2002, THE  
5 COMMISSION, IN COOPERATION WITH THE STATE BOARD OF EDUCATION,  
6 SHALL ADOPT A POLICY REQUIRING TEACHER PREPARATION PROGRAMS TO  
7 INCLUDE INSTRUCTION DESIGNED TO ASSIST TEACHER CANDIDATES IN  
8 RECOGNIZING POSSIBLE SIGNS OF AND UNDERSTANDING MENTAL ILLNESS  
9 OF SCHOOL CHILDREN AND INSTRUCTION DESIGNED TO PROVIDE TEACHER  
10 CANDIDATES WITH INFORMATION ON HOW TO REFER FOR MENTAL HEALTH  
11 SERVICES A STUDENT WHO OTHERWISE MIGHT BE DANGEROUS TO HIMSELF  
12 OR HERSELF OR OTHERS OR WHO SUCH TEACHER CANDIDATES MIGHT  
13 REASONABLY BELIEVE WOULD BENEFIT FROM MENTAL HEALTH SERVICES  
14 PURSUANT TO THE PROVISIONS OF THE "CHILD MENTAL HEALTH SERVICES  
15 ACT", PART 2 OF ARTICLE 10.3 OF TITLE 27, C.R.S.

16           **SECTION 3.** 27-10.3-101, Colorado Revised Statutes, is amended  
17 to read:

18           **27-10.3-101. Short title.** This ~~article~~ PART 1 shall be known and  
19 may be cited as the "Child Mental Health Treatment Act".

20           **SECTION 4.** 27-10.3-106 (1) and (2), Colorado Revised Statutes,  
21 are amended to read:

22           **27-10.3-106. Funding - rules.** (1) In order to make mental health  
23 treatment available, it is the intent of the general assembly that mental  
24 health treatment provided pursuant to this ~~article~~ PART 1 to each child  
25 described in section 27-10.3-103 (1) who is eligible for medicaid based  
26 on the child's placement in a residential child care facility pursuant to  
27 section 26-4-527, C.R.S., and who is determined to be eligible for

1 supplemental security income by the federal social security  
2 administration, be provided by mental health agencies.

3 (2) If neither the family's private insurance nor federal medicaid  
4 funding cover all of the costs associated with the services provided to a  
5 child at risk of out-of-home placement pursuant to this ~~article~~ PART 1, then  
6 the family shall be responsible for paying that portion that is not covered  
7 by private insurance or federal medicaid funding on a sliding scale basis  
8 as set forth in subsection (3) of this section. Any remaining portion of the  
9 services not covered by private insurance, federal medicaid funding, or the  
10 family's share, shall be paid for from general fund moneys, subject to  
11 available appropriations.

12 **SECTION 5.** 27-10.3-108, Colorado Revised Statutes, is amended  
13 to read:

14 **27-10.3-108. Repeal.** This ~~article~~ PART 1 is repealed, effective  
15 July 1, 2005.

16 **SECTION 6. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety.