

# Employment of School Mental Health Professionals in School Guidance Document (SB23-004)



## Who are "Eligible School-Based Therapists"?

- Eligible School-Based Therapists include Licensed Psychologists, Licensed Social Workers, Licensed Marriage and Family Therapists, Licensed Professional Counselors, and Licensed Addiction Counselors. School districts and Administrative Units may employ Eligible School-Based Therapists to work in coordination with CDE Licensed Special Service Providers and other CDE Licensed Professionals to provide supplemental support to students' social, emotional, behavioral, and mental health (Employment of School Mental Health Professionals, 2023).
- Eligible School-Based Therapists are a group of professionals who are licensed through the Department of Regulatory Agencies (DORA) in Colorado. These professionals are not allowed to be classified under the Special Service Provider Job Codes (School Psychologists, School Counselors, or School Social Work) unless they are duly licensed with the Colorado Department of Education (CDE) and Department of Regulatory Agencies (DORA).

## What is the scope of practice for Eligible School-Based Therapists?

- Eligible School-Based Therapists should limit their practice within their specific formal training area. They must employ evidence-based practices for students in a school setting that facilitate specially designed instruction, enabling students to better access and participate in their education.
- Eligible school-based therapists may be hired to supplement and support the services provided by CDE-licensed school mental health professionals and should not replace or supplant the work of special service providers (Employment of School Mental Health Professionals, 2023). Collaboration and coordination between Eligible School-Based Therapists and CDE-licensed Special Service Providers are essential in providing a continuum of services to support students based on their respective areas of training and expertise (Employment of School Mental Health Professionals, 2023).
- As outlined in IDEA's implementing regulations, professionals involved in serving children with disabilities must be appropriately and adequately prepared and trained. All service providers, including the Eligible School-Based Therapists, must have qualifications consistent with the student's Individualized Education Program (IEP). Administrative units are responsible for ensuring that these professionals meet the necessary qualifications to effectively carry out the purposes of IDEA Part B. (OSEP Letter, 2022)

## What other considerations should Eligible School-Based Therapists consider when determining their scope of practice?

- Education professionals, including Eligible School-Based Therapists, must consider various education laws when determining their scope of practice. These laws include the Individuals with Disabilities

Education Act (IDEA), Exceptional Children's Educational Act (ECEA), Section 504 of the Rehabilitation Act, and Colorado Reading to Ensure Academic Development Act (READ Act). Districts and administrative units must ensure that students with disabilities have access to a Free and Appropriate Public Education (FAPE). This includes ensuring that educators, special education teachers, and related services providers are adequately prepared and trained in order to meet the needs of students.

- Districts and administrative units have a crucial responsibility to offer Eligible School-Based Therapists clear procedural guidance and support to ensure full compliance with special education legal requirements, including the identification, evaluation, and provision of appropriate services to students with disabilities. It is essential to emphasize that while IDEA provides guidelines for identifying and supporting students with disabilities, it does not empower school professionals with the authority to provide formal diagnoses. Therefore, clear communication and guidance are necessary to ensure that Eligible School-Based Therapists understand their roles and limitations within the special education framework.
- The Colorado Department of Education (CDE) will conduct monitoring activities, such as assessing personnel qualifications and supervision, for these professionals as part of the annual Special Education December Count Collection. This effort corresponds with CDE's responsibility under the Individuals with Disabilities Education Act (IDEA) to maintain records of all special education staff in accordance with IDEA regulations.

### **Who will be providing supervision for Eligible School-Based Therapists?**

- Eligible School-Based Therapists may receive supervision from a Special Services Provider with a school counselor endorsement or an administrator license. Districts and Administrative Units should utilize this supervision to support Eligible School-Based Therapists in implementing evidence-based practices and ensuring adherence to education regulations, policies, and procedures. Supervision serves as a valuable resource for guidance, feedback, and professional development, enabling Eligible School-Based Therapists to provide effective and compliant services to students. By leveraging supervision effectively, districts and administrative units can enhance the overall quality and impact of Eligible School-Based Therapists' work within a continuum of services to support students based on their respective areas of training and expertise (Employment of School Mental Health Professionals, 2023).

### **Who is responsible for conducting background checks and verifying licenses and training?**

- When hiring Eligible School-Based Therapists, school districts and administrative units must undertake certain measures to ensure the qualifications of each professional. This includes conducting background checks, verifying credentials, and assessing relevant experience. Specifically, schools and districts should ensure that the Eligible School-Based Therapist has a background and expertise in working with children and adolescents. Additionally, it is essential for Eligible School-Based Therapists to submit to fingerprint-based criminal history background checks and to be supervised by

administrators who are licensed by the Department of Education. These precautionary steps help safeguard students' well-being and safety and ensure that qualified professionals are entrusted with providing services to children and adolescents within the school setting (Employment of School Mental Health Professionals, 2023).

## Considerations for Administrative Units

- What is the formal training background of the Eligible School-Based Therapists, and could they fit within the larger continuum of services to support students?
- Who and how are Administrative Units ensuring the Eligible School-Based Therapists have the appropriate supervision?
- How do Administrative Units provide clear procedural guidance and policies to ensure compliance with the IDEA and ECEA requirements?
- How will Administrative Units ensure that the Eligible School-Based Therapist has a background and expertise in working with children and adolescents?
- What system will the Administrative Unit use to ensure that an Eligible School-Based Therapist's expertise and background is consistent with the services provided for each individual child's IEP?
- What procedure will the Administrative Unit use to ensure the verification and maintenance of the Eligible School-Based Therapist Development of Regulatory Agencies (DORA) license?

## References

Employment Of School Mental Health Professionals. S.B. 004, (2023).

[https://leg.colorado.gov/sites/default/files/2023a\\_004\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2023a_004_signed.pdf)

Individuals With Disabilities Education Act, 20 U.S.C. § 1400 (2004).

<https://www.cde.state.co.us/spedlaw/rules>

Office of Special Education and Rehabilitative Services (OSEP)(October, 2022). Personnel Qualifications under Part B of the Individuals with Disabilities Education Act. (IDEA) <https://sites.ed.gov/idea/files/OSEP-Memo-22-01-Personnel-Qualifications-under-IDEA-10-04-2022.pdf>

The Colorado Department of Education (*CDE*) is responsible for ensuring that Administrative Units meet the requirements of Part B of the Individuals with Disabilities Education Act (*IDEA*) and the Exceptional Children's Educational Act (*ECEA*). To fulfill its obligation, the CDE provides guidance to support Administrative Units in implementing IDEA and ECEA requirements. This guidance is not binding and should not be construed as legal advice. Administrative Units are encouraged to review their policies, procedures, and practices to ensure alignment with state and federal requirements and make changes, as needed. For legal advice, Administrative Units should consult with legal counsel.