

SB23-004 Employment Of School Mental Health Professionals

- *Sponsors: Sen. Janice Marchman (D), Sen. Sonya Jaquez Lewis (D); Rep. Dafna Michaelson Jenet (D), Rep. Mary Young (D)*
 - *The governor signed the bill into law, and took effect on May 4, 2023.*
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Overview

The legislation grants school districts and charter schools the authority to hire licensed school-based therapists whom the Department of Education does not explicitly license. These therapists can be supervised by a mentor licensed in the relevant professional field or by a school district administrator.

As a requirement, school districts must conduct a fingerprint-based criminal history background check on these additional employees to ensure the safety and security of students.

For therapists providing services to students with an Individualized Education Plan (IEP), they must possess qualifications that align with the specific requirements outlined in the student's plan. This ensures that the therapists have the necessary expertise and skills to meet the individual needs of students with disabilities.

Overall, the legislation aims to provide flexibility in hiring licensed school-based therapists while maintaining appropriate qualifications, supervision, and adherence to student-specific requirements for therapists serving students with IEPs.

School Impact

The legislation permits school districts and charter schools to employ additional licensed school-based therapists as long as they meet the necessary requirements, such as fingerprinting, background checks, and compliance with Individualized Education Plan (IEP) specifications.

The bill anticipates that any additional outreach and intake work related to the hiring of new employees will be minimal. This suggests that the process of onboarding and integrating these therapists into the school system is not expected to impose significant administrative burdens or create extensive workload increases for the districts and schools.



The intention of the legislation is to facilitate the hiring of licensed school-based therapists while minimizing any associated administrative complexities, allowing schools to enhance their therapeutic services for students efficiently. Use of such professionals to provide any significant IEP services should be double-checked with School or District counsel or your special education director as federal law establishes robust expectations for the qualifications of related service providers (including therapists).