

Board File: JLDA

STUDENT ~~PSYCHOLOGICAL~~ MENTAL HEALTH WELLNESS SERVICES IN THE SCHOOL SETTING

Educational counseling provided by school mental health providers is initiated in collaboration with parents who have given informed consent and written permission.

“Educational counseling” means therapeutic skill-based instruction specific to each student’s need which will take place in a one on one or small group setting, and is outside of the classroom. Educational counseling is not psychotherapy as that term is defined under Colorado law. In accordance with state law, certified and licensed school personnel including certified school counselors, school social workers, and school psychologists are not authorized to practice psychotherapy or utilize any psychiatric or psychological procedure outside of or beyond their area of training, experience or competence.

If a student is determined to need educational counseling services from a school counselor, school psychologist, or school social worker to acquire specific skills, staff will follow the District informed consent process. For students who are being evaluated for eligibility or who are being provided with counseling or mental health services that constitute special education and related services under the federal Individuals with Disabilities Education Act (IDEA), the Colorado Exceptional Children’s Educational Act (ECEA), or Section 504 of the Rehabilitation Act of 1973 (Section 504), the consent requirements under those laws and accompanying regulations shall apply.

When using the informed consent process, school mental health providers will talk communicate with the parent to explain the identified needs and the counseling services including skills to build, how many sessions will be provided, and how best to communicate and collaborate.

All students shall have access to their school mental health staff for situations when a student needs emotional or behavioral support for an immediate urgent need. Such emotional or behavioral support does not constitute “educational counseling” and shall not be subject to the consent procedures required by this Policy. An example of this is when a student needs a one or two time consultation with the school's mental health staff.

Special education counseling services are provided to students once a parent has signed and given informed consent for an evaluation to identify needs, has actively participated in an IEP meeting to determine eligibility for services, and has been a collaborative member of the team in determining their students programming and services so that they can access their education and receive meaningful benefit.

Only those persons appropriately certified or licensed, pursuant to the relevant Colorado certifying and licensing statutes, may ~~expose~~ provide educational mental health services to students ~~to using~~ any ~~psychiatric or psychological educational method counseling~~ or procedure involving ~~diagnosis identification~~, assessment, or ~~treatment intervention~~ of any emotional, behavioral, or mental disorder or disability. Such methods or procedures may only be performed after acquiring written permission from a student's parent or guardian, or from the student him or herself in those circumstances in which federal or state law allows the student to obtain such services in confidence or without prior notice to the parent or guardian.

In the case of crisis or trauma affecting multiple students at a school, or in the case of an emergency affecting an individual student, psychological safety assessment and support services may be offered to students in need without prior written permission. However, efforts will be made to notify parents before meeting with students, unless the severity of the trauma or the numbers of students impacted make this impracticable. If a student is not otherwise allowed by federal or state laws to obtain such services without parental consent, a student's parent or guardian may exclude the student from such services by advance written notice to the principal of the student's school. The decision that a crisis or trauma exists will be determined by the principal or designee. The principal's designees may include building mental health professionals and/or District level mental health leads, coordinators, and directors.

This policy should not be interpreted to conflict with the obligations of the district's mental health professionals' educational credentials, licenses and ethical standards.

Ordinary classroom instruction, activities, and techniques involving the approved curriculum that teach about counseling or psychological methods or procedures shall be permissible and considered outside the scope of this policy. It is understood that there is a significant difference between practicing therapy and providing activities that may be therapeutic in nature. Any member of the teaching staff who questions whether a planned activity is one involving ~~psychiatric or~~ psychological methods or procedures for which the member of the teaching staff may not be properly certified or licensed shall consult with the school principal. As used herein, the terms ~~psychiatric or~~ psychological method or procedure involving ~~diagnosis identification~~, assessment, or ~~treatment intervention~~ are intended to have their ordinary and customary meaning which refers to a recognized ~~medical educational~~ or therapeutic discipline practiced by licensed mental health professionals ~~or facilities. These terms do not include ordinary classroom or counseling activities or teaching techniques in educational settings.~~

This policy does not apply to factual and unbiased teaching about psychiatry as a medical science or psychology as a social science.

Adopted: August 4, 1992

Recorded and legal and cross references revised: October 21, 2003

Revised: _____, 2023

LEGAL REFS.:

C.R.S. [§ 12-245-202\(14\)\(a\)](#)
~~22-32-109.2~~

[C.R.S. § 12-245-203.5](#)
[20 U.S.C. §1401 et seq.](#)
[34 C.F.R. Part 300](#)
[34 C.F.R. §104](#)

CROSS REFS.:

[KB, Parent and Family Engagement](#)
IHBA, Programs for Students with Disabilities
~~JLDAC, Screening/Testing of Students~~
~~KE, Public Complaints~~

Second Reading