

Key People Cafe

Walking Through the New SPU

Special Policy Update - February 28, 2024

- Employment of School Mental Health Professionals
- Job Application Fairness Act
- Optional School Mental Health Assessments
- Youth Involvement Education Standards Review
- Criminal History Recordkeeping
- Technical Edits - Use of Shall

Employment of School Mental Health Professionals

SB23-004, Employment of Certain School-Based Therapists

Authorizes a school or school district, the state charter school institute, a BOCES that operates a school, or the division of youth services to **employ school-based therapists who are not licensed by the department, but hold a Colorado license for their profession to work in coordination with licensed special service providers to coordinate mental health supports for students.**

If an eligible school-based therapist provides services to a student related to the student's individualized education program, the eligible school-based therapist **must have qualifications consistent with the student's individualized education program.**

Policy Affected

GCE/GCF Professional Staff Recruiting/Hiring

Added a note with details about licensing requirements of mental health professionals; technical edits.

H.B. 22-1270 changed the terminology from “name-based criminal history record check” to “name-based judicial record check.”

Job Application Fairness Act

SB23-058, the Job Application Fairness Act

Prohibits employers from inquiring about a prospective employee's age on an initial employment application, which includes

- inquiring about their date of birth; or
- dates of attendance or graduation from an educational institute.

The bill allows potential employers to request an individual to verify compliance with age requirements imposed pursuant to—

- A bona fide occupational qualification pertaining to public or occupational safety;
- A federal law or regulation; or
- A state or local law or regulation based on a bona fide occupational qualification.

Districts must comply with this bill beginning July 1, 2024

Policies Affected

GCE/GCF & GCE/GCF-R Professional Staff Recruiting/Hiring
Added legal citation and informational note; technical edits.

GDE/GDF & GDE/GDF-R Support Staff Recruiting/Hiring
Added legal citation and informational note (in the Regulation); technical edits.

GBA Open Hiring/Equal Employment Opportunity
No changes made, reviewed for compliance.

Changes need to be adopted by July 1, 2024

Optional School Mental Health Assessments

HB23-1003, Sixth Through Twelfth Grade Mental Health Screening Act

The Act is administered by the Behavioral Health Administration (BHA) and tasks the BHA with identifying risks and providing resources and referrals related to student mental and emotional health needs through a grant program that provides mental health screening. The act allows any public school that serves **any of grades six through twelve and meets certain requirements to participate in the program.**

Participation in the Program

- A public school must **notify the BHA before May 1 in the year before** the school year that the public school wants to begin participation.
- Participating schools **must provide written notice to the parents of students, within the first two weeks of the start of the school year**, in order to allow parents to opt their child out of the program.
- The qualified mental health screener is **required to notify a student's parent if the screener determines that additional mental health services are needed** based on the student's mental health screening results.
- Home-schooled students who participate in extracurricular or athletic programs at participating schools are **exempt** from the program.

Policies Affected

JLDAC Screening/Testing of Students

Added a note describing the grant program; technical edits; added legal citation.

JLDAC-E Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

Updated the address of the Student Privacy Office.

Youth Involvement Education Standards Review

SB23-008, Youth Involvement Education Standards Review

Opportunities for youth to be involved in the review of Colorado's education standards by appointing youth representatives in specific scenarios.

For local districts, the bill **requires districts to select two youth representatives to any review committees the district has for the review of the district's education standards.** The youth representatives will be selected from nominations received by schools across the district. Districts are **currently required to review their education standards every six years.**

Policy Affected

AEA Standards Based Education

Details regarding youth involvement requirements; technical edits; added legal citation.

Criminal History Recordkeeping

CASB has recently collaborated with the Colorado Bureau of Investigation and come to find that many districts were told they were out of compliance because they did not designate a specific amount of time to retain criminal history record information in their GBI Policy (Criminal History Record Information).

In order to prompt districts to designate a specific amount of time, CASB moved the specific amount of time to retain criminal history record information language from an instructional note box, to the policy itself.

CASB recommends a three-year period because three years is consistent with the length of time personnel records must be retained, and keeping the retention period the same will allow for a more seamless process in purging records. However, **districts do not need to retain the three-year retention period, and may select a timeline that works best for their specific needs.**

Policy Affected

GBI Criminal History Record Information

Included a specific period for retention of Criminal History Record Information (CHRI).

Technical Edits - Use of Shall

CASB is transitioning from the word “shall” to indicate a requirement, to the words “will” or “must.”

In our policies, both **“will”** and **“must”** mean an obligation.

Your district may continue to use “shall” if preferred.

Questions / Open Discussion

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