

## **MENTAL HEALTH PROVIDER NON-PROBATIONARY STATUS AND DUE PROCESS RIGHTS**

### **1 NON-PROBATIONARY STATUS AND DUE PROCESS RIGHTS FOR SCHOOL PSYCHOLOGISTS, SCHOOL COUNSELORS, AND SOCIAL WORKERS (Collectively: Mental Health Professionals)**

- 1.1 With the increased focus on the social emotional needs of students, full-time, non-grant-funded school psychologists, social workers, and school counselors (collectively, “mental health professionals”) are regularly instructing, directing, or supervising the district’s instructional program in a manner comparable to teachers and, therefore, should enjoy the rights to non-probationary status and due process under the Teacher Employment, Compensation, and Dismissal Act, C.R.S. §§ 22-63-101 et seq. (“TECDA”) comparable to teachers.
- 1.2 A mental health professional employed by the district on a full-time basis shall be deemed to be re-employed for the succeeding academic year unless the board causes written notice to the contrary to be given to the mental health professional on or before June 1 of the academic year during which the mental health professional is employed. Such mental health professional shall be presumed to have accepted such employment for the succeeding academic year unless they cause written notice to the contrary to be given to the board no later than thirty (30) days prior to the commencement of the succeeding year.
- 1.3 A mental health professional who is re-employed by the district after completing three consecutive years of demonstrated effectiveness shall receive non-probationary status consistent with that of a non-probationary teacher under TECDA.
  - 1.3.1 Upon the effective date of this Negotiated Policy, mental health professionals meeting the criteria in X.1.3 shall be deemed non-probationary in accordance with this policy. Mental health professionals not meeting the criteria in X.1.3 on the effective date of this Negotiated Policy shall have their then-current continuous years of demonstrated effectiveness count toward non-probationary status.
- 1.4 Mental health professionals shall be subject to loss of non-probationary status consistent with teachers in accordance with C.R.S. § 22-9-106, as amended from time to time, and non-negotiated district policy.

1.5 A mental health professional may be dismissed for the reasons set forth in C.R.S. § 22-63-301, as amended from time to time, using the procedure set forth in C.R.S. § 22-63-302, as amended from time to time. A mental health professional also may be displaced as a result of drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building, including closure, consolidation, or reconstitution, or may have their contract canceled when there is a justifiable decrease in the number of teaching positions.

1.6 The parties intend for this Negotiated Policy to afford mental health professionals non-probationary status and due process rights commensurate with teachers under TECDA. If there is a change in the law that significantly changes the rights of teachers under TECDA or other provisions of applicable law, the parties will promptly meet and renegotiate this Negotiated Policy to align with such changes.

Originally Adopted: July 1, 2024