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THE ACADEMY
Board of Directors
Executive Work Session
Monday, August 30, 2021
5:30 pm – 6:55 pm

Public business may be discussed during this session. No votes will be taken at this Executive Work Session.

AGENDA

- | | |
|--|------------|
| Board Self-Evaluation | 15 Minutes |
| <i>Expectation: The CEO will review action steps intended to meet self-evaluation goals for 21-22.</i> | |
| Board Member Email Access | 10 Minutes |
| <i>Expectation: Ensure all board members are able to access their Academy email accounts.</i> | |
| Discuss Athletics Participation | 60 Minutes |
| <i>Expectation: Review CHSSA's current policy on gender inclusion in school athletics.</i> | |
-

THE ACADEMY
Board of Directors
Board Meeting

Consent Agenda	
Moved By	
2 nd By	
Action	

Monday, August 30, 2021, 7:00 pm

Y/N/P/A	Name
	Drewlow, S
	Klenjoski, D
	Coffee, A.
	Sanchez, K
	McDuffee, A
	Fransua, L
	Hamele, S

- I. Open Meeting
- II. Invocation and Pledge of Allegiance
Invocation Disclaimer: *It is customary for The Board to open all meetings with an Invocation and Pledge of Allegiance. Anyone offended by this may leave the room during this time or may choose not to participate during this time, after which you may return.*
- III. Consent Agenda - *Expectation: Review previous minutes and identify areas where clarification or corrections are needed. Review current agenda and identify/ discuss any potential additional agenda items.*
 - a. Approve [Agenda](#)
 - b. Approval of [June 14, 2021, minutes](#)
- IV. Public Comment - *Expectation: Listen and consider any public comment. Board will discuss as any potential responses as a Board at a later time.*
The chairperson will recognize anyone who signs the request form before the meeting time. Public comment and input shall be limited to fifteen minutes total, ten minutes per topic, and 2 minutes per speaker. Neither Board members nor Academy staff is obligated to respond to comments or input. The Board will provide written responses as deemed appropriate.
- V. Reports from Directors, Principals, and Committees
 - a. [CEO Report](#) – *Expectation: CEO will update the board on progress with the school’s Reopening Plan, health & safety, and vision development.*
 - b. Committee Reports – *Expectation: Committee chairs will update the board on progress with each committee.*
 - i. [Finance](#) – No Finance Committee meeting this month
 - ii. SACademic – No SACademic Committee meeting this month
 - iii. PTO – No PTO meeting this month
- VI. Presentation/Discussion
 - a. Presentation and Discussion
 - b. Finance & Operations Annual Work Plan – *Expectation: The CFO/COO will outline the annual work plan to pursue strategic goals for finance and operations.*

- c. 21-22 Data Dashboard – *Expectation: The board will finalize the contents of the 21-22 data dashboard and identify reporting frequency.*
 - d. Ongoing [Policy Review](#) – *Expectation: The board will review one policy each month and update as needed for compliance and alignment with the school mission and vision.*
 - i. Review “[Class Of](#)” [Accounts](#) Policy
 - ii. Review [Fees, Waivers, & Adjustments Policy](#)
 - e. Work Session Summary – *Expectation: The board Chair will summarize the topics discussed during the work session prior to this formal meeting.*
- VII. Executive Summary
- a. [Student Data Security Policy Approval](#) (annual requirement – no changes to the policy) – *Expectation: The board will review the policy as needed and vote for its annual approval.*
- VIII. Board Meeting Self-Scoring – *Expectation: The board will self-score their performance for the meeting according to preset criteria.*
- IX. Adjourn Meeting

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THE ACADEMY
Board of Directors
Board Meeting Minutes
Monday, June 14, 2021

promoting excellence in academics, character, and relationships.”



Board Members Present

Kevin Sanchez - Chairperson
Tamela MillerCarlson - Board Member
Greg Weaver - Board Member
Dan Klenjoski - Board Member
Sarah Drewlow - Secretary
Michael Stock - Board Member

Also Present

Brent Reckman - Chief Executive Officer
Mark Wilson - Chief Operations Officer

Minutes of the regular Board meeting of The Academy held at 11800 Lowell Blvd., Westminster, CO 80031 in Adams County on June 14, 2021.

I. Open Meeting

A quorum being present, Mr. Sanchez called the meeting to order at 7:01 pm and gave the following disclaimer:

Invocation Disclaimer: *It is customary for The Board to open all meetings with an Invocation and Pledge of Allegiance. Anyone offended by this may leave the room during this time or may choose not to participate during this time, after which you may return.*

II. Invocation and Pledge of Allegiance

Mr. Sanchez opened the meeting with an invocation and the Pledge of Allegiance.

III. Consent Agenda

Mr. Sanchez moved to approve the agenda. This was seconded by Mr. Stock.

Discussion: None

Ayes: Drewlow, Klenjoski, Miller-Carlson, Sanchez, Stock, Weaver

Nays: None

Motion Carried 6 – 0

IV. Public Comment

No questions from the Public at this time.

V. PTO Report – No questions at this time

VI. Presentation/Discussion

VII. Reports from Director, Principals, and Committees

a. Chief Officer's Reports

i. CEO Report – No questions from the board at this time.

b. Committee Reports

i. Finance & Operations – No questions from the board at this time.

ii. SACademic – No meeting this month

VIII. Executive Summary

a. Mr. Sanchez moved to approve the minutes from the May 24, 2021, board meeting. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

b. Mr. Klenjoski moved to approve Mr. Sanchez as board chair. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

c. Mr. Klenjoski moved to approve Mrs. Drewlow as the board vice chair. This was seconded by Mr. Sanchez.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

d. Mr. Sanchez moved to approve the proposed secondary dress code. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

e. Mr. Sanchez moved to approve Mr. Shawn Hamele as a new board member. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

- f. Mr. Sanchez moved to approve Mrs. Autumn Coffee as a new board member. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

- g. Mr. Sanchez moved to approve Mrs. Amy McDuffee as a new board member. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

- h. Mr. Sanchez moved to approve Mrs. Larissa Fransua as a new board member. This was seconded by Mrs. Drewlow.

Discussion: None

Ayes: Miller-Carlson, Weaver, Klenjoski, Sanchez, Stock, Drewlow

Nays: None

Motion Carried 6 – 0

- i. Adjourn Meeting

Mr. Sanchez motioned to Adjourn. Mrs. Drewlow seconded. The meeting was adjourned via a verbal all aye vote.

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CEO Board Report – August 2021 Meeting

Pandemic Response Update

Expectation: Share information about implementation of pandemic precautions to start the new school year.

The COVID-19 Delta variant has led to an unfortunate spike in cases coinciding with the start of the new school year. In early July, Adams County recorded about 35 new cases per 100,000 residents over a 7-day period. As of late August, that number increased to about 218 new cases. The 7-day average positivity rate is above 9%. These are approaching the numbers our community saw last October before most schools in the area reverted to full remote instruction. That kind of shift seems unlikely to happen again this year, but rate of community transmission is significant and still resulting in an increasing number of individual student quarantines due to close contacts outside of school.

School is running in a much more normal fashion this year than it did at any point in 2020-21. All grade levels are following a full, in-person schedule with no restrictions due to group size limitations or cohorting. We have four students across two grades levels in elementary who are participating in full remote learning until a vaccine is widely available to children under 12 years old.

All students and staff are required to wear masks at school when indoors. Universal masking is required for children ages 2-11 and the staff that work with them via a public health order currently in place from the Tri-County Health Department. The Academy is also requiring the same of our students ages 12 and up and the staff that work with them. Exemptions are available for medical or religious reasons. At this point, about 1-2% of our community has been granted an exemption.

We are also encouraging families to conduct daily home symptom screenings and keep students home when they exhibit COVID-like symptoms. In addition, our health clinics are continuing the more rigorous monitoring, communication, and tracking practices for symptomatic individuals that were in place last year. We will continue to offer the same school-

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based free saliva testing option that was available last year. Beyond this, we are continuing to encourage regular hand-washing and conduct daily sanitizing of classrooms and other indoor spaces.

Things seem to be running relatively smoothly at the moment, but we are anxiously monitoring conditions as we move forward.

Strategic Initiatives Update

Expectation: Share information about ongoing implementation of initiatives in support of The Academy 5-year Strategic Plan.

There are no significant updates since our Annual Work Plan presentations during the Summer Board Retreat. Principals have launched their Instruction & Culture work plans with their level staff, students, and families. Mark will present the Annual Work Plan for Finance & Operations during the August Board meeting. Our Work-Based Learning efforts are off to a roaring start with more than 60 students signed up for fall internships. We will continue to share information on all of these pieces through the Scorecard as the year progresses.

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Finance & Operations Board Report, August 2021

Financial Report Overview

Expectation: Financial report sent out in advance. Review and discuss current position.

Our first Finance Committee meeting is scheduled for Sep. 16th. Regular updates here will include overview of budget status and any significant changes in financial position or news. We are currently set to start the process of reconciling August ahead of reporting out at the introductory meeting. The main topics will be our committee norms and budgeting priorities ahead of this year, as well as reflecting on what was learned throughout 20/21. External audit fieldwork underway and we expect draft financials shortly. We currently anticipate no issues in meeting CSI's submission deadlines of a draft by Sep. 30th and final audit by Oct. 15th.

October Count Budget Modification

Expectation: COO will update on October Count and various revenue and expenditure considerations being used for the budget modifications.

The official count day for this year is **Friday, October 1st**. The count window also consists of the 5 school days before and 5 school days afterward. As of August 25th, we stood at 1876 enrolled (currently an increase of 16 over 20/21) with 5 pending withdrawals, but also with a few options still on our waitlist. Our deliberate tactic of over-enrolling in the current climate continues to serve us well and is keeping us above our long term goal of 1875; we will continue to monitor closely and respond as needed.

Influential budget factors for the upcoming year will include enrollment, PPR stability, ESSER funds and staffing levels required to maintain our instructional quality. Our primary aim in our budget work has been to reestablish our purchasing and approval norm for staff in order to keep our expenditures controlled and budgets adhered to.

Legislative Update

Expectation: COO will update the committee on the current state of the legislative session. Updates will continue monthly as appropriate.

The legislative landscape remains quiet at the current time, with the main focus being on accurately assigning ESSER funds to allowable areas. We will monitor any updates closely as information from the League and CSI begin to emerge.

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Federal/ESSER Update

We have recently submitted our draft budget for 67% of our ARP (ESSER III) funds to CSI and continue to be strategic in those decision-making processes. We remain thorough in our documentation and justification for expenditures to minimize the chances of being refused purchase reimbursements and have heavily focused our spending on staffing to address the learning loss we anticipate seeing as students reenter the building full-time.

Operations Update

Efforts have been focused around maintaining procedures and servicing our facility in response to COVID. Our cleaning contracts remains the same as last year with increased coverage and sanitation practices e.g. increased attention to high traffic areas, touchpoints, daily logs etc. We continue to develop our plans to sustain our facility better in the longer term e.g. HVAC systems, cleaning routines etc. and have seen some successes over the past year to overcome some longer standing issues.

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Board of Directors Policy Review Protocol *2021-22*

The Academy Board of Directors aims to review one Board policy per meeting. Our goal is to keep school policies up to date and fresh in the minds of Board members and the Chief Executive Officer. The Board will follow the protocol below when reviewing policies:

- The CEO will work with the Board to prioritize policies for review
- The CEO will share a policy for review each month in the Board packet prior to that month's meeting
- Board members will review the current policy prior to the meeting and reflect on the following –
 - Legal compliance
 - Alignment with mission and vision
 - Equity
 - Reflection in current school practice
- Board members will discuss their reflections on the policy at hand during that month's meeting
- Based on the group discussion, one or more of the following actions will be taken –
 - No updated needed – set up a vote to renew the policy as is at the next Board meeting
 - Identify questions or concerns about the policy's compliance with current legal requirements – contact the school attorney to make updates and set up a vote to adopt the revised policy at the next Board meeting
 - Identify contents of the policy that need to be updated to better align with the school's mission and vision – make updates and set up a vote to adopt the revised policy at the next Board meeting
 - Identify questions or concerns about the policy's alignment with the school's values relating to diversity, equity, and inclusion (see the discussion questions

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below to guide this work) - make updates and set up a vote to adopt the revised policy at the next Board meeting

- Identify question or concerns about current school practices not following the content of the policy – no policy updates are needed, but the CEO will follow up with Senior Administration to ensure school practices shift to follow the policy

Board members will use the following guiding questions to collaboratively reflect on the equitable impacts policy under review:

1. Which student or family groups are most affected by the policy and/or resulting practices?
2. Are biased or stereotypical assumptions made about students within the policy?
3. How does the policy and/or resulting practices affect student groups that have historically been marginalized or disadvantaged?
4. How might or how does the policy and/or resulting practice unintentionally reinforce and/or contribute to existing disparities?
5. Could the policy cause disproportionate impact to specific groups based on other factors related to educational disadvantage, such as attendance patterns, residential vs. non-residential, participation in advanced college-prep curricula, etc.?
6. Who will benefit from the policy?
7. Who will be excluded?
8. Who is not eligible?

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The Academy
Submittal to the Academy Board

Moved by Rob

2nd by Joe

EXECUTIVE SUMMARY

Topic: Use of student funds from "Class of" accounts

Issue(s):	Students pay a fee every year that goes towards their class costs. It pays for various items during their junior and senior years.
Background:	<p>Students, from Grade 7 through their senior year, put money in their respective Class of 20XX account to pay for graduation and prom. Once the students' leave there is on occasion funds left that have been carried on the books for years.</p> <p>The funds have been sitting in Fund 77 and cannot be expended. They are carried as a long-term liability.</p> <p>After discussion with the auditors we are proposing that these funds be moved to the general fund account. As part of this ongoing process Senior Administration will start with this year's graduation class discussing what they would like to use these funds for at the school.</p>
Evaluation:	<p>A policy to move the money off the books for use towards items that will support student academic improvement is needed. The school administration feels there should be a policy to cover excess funds on an ongoing basis.</p> <p>Proposed Policy: Six months after graduation, any unused funds in that years' "Class off" account would be transferred to the general fund to facilitate the removal of the liability from the Academy prior to the audit cycle.</p> <p>We would like approval to move the money off the books and also use it towards items that will support student academic improvement.</p>
Recommendation:	Move to approve a policy transferring unused funds from graduated Class of XX accounts from Fund 77 to the General Fund account six months after graduation.

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The Academy Fees, Waivers and Adjustments Policy

Pursuing Truth, Wisdom, Excellence

Mission Statement: The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character and relationships.

Background

The Academy uses fees to offset some of the costs of programs offered to our students. The current fee schedule was developed prior to the school's transition to authorization by the Charter School Institute and was based on policies provided by our previous authorizer. As a CSI authorized charter school, The Academy is required to develop a fee policy that aligns with applicable laws and CSI Board policy. State statute identifies areas where fees may be charged and for what purpose they may be used. It also provides guidance on how the fee process should be implemented.

Purpose

The Academy Fees, Waivers and Adjustments Policy is designed to ensure alignment with both CSI and state statute.

All student fees and charges shall be adopted by the Academy's board. The fees shall remain in place until modified or removed by Board resolution. All student fees adopted by the Board shall be used for the purposes set forth in the motion and shall not be spent for any other purpose.

Students shall not be charged an instructional fee as a condition of enrollment in school or as a condition of attendance in any class that is considered part of the academic portion of the school's educational program except tuition when allowed by law..

The Academy may require students to pay fees for expendable materials and other miscellaneous fees as set forth in this policy and in compliance with the law.

When publicizing any information concerning any fee authorized to be collected by this policy, the school will specify whether the fee is voluntary or mandatory and the specific activity from which the student will be excluded if the fee is not paid.

Among the fees which the Board of an Institute school may authorize are the following:

Fees for Expendable Supplies and Materials

Schools shall determine a basic course for each class which can be completed with materials furnished by the school. However, students may be charged a fee for expendable supplies and

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materials used in the course. Fees for expendable supplies and materials shall relate directly to the actual cost of providing these materials to the student. These fees shall be waived for indigent students, as defined in the section entitled "Waiver of Fees" below.

Miscellaneous Fees

Students may be asked to pay miscellaneous fees on a voluntary basis as a condition of participating in or attending a school-sponsored activity or program not within the academic portion of the educational program.

Students participating in activities which are not required by the teacher or used in the determination of a grade may be required to pay charges covering the cost of the activity. Such charges may include but are not limited to admission fees, food costs, and transportation costs on activity trips. However, it is incumbent upon the school to make every effort to be sure no student is denied the right to participate in trips or other enrichment activities because of lack of funds.

Fee Schedule

The school shall prepare and make available upon request a complete list of student fees, describing how the amount of each fee was derived and the purpose of each fee.

Parents shall be informed on the fee schedule and how to apply for a waiver of fees as applicable. Students qualifying for a fee waiver will receive it without embarrassment or public exposure of their need.

Textbooks and library resources

It is expected that students shall return textbooks and library resources to the school in good condition except for ordinary wear. Students shall be assessed fines for lost, damaged or defaced books (including those checked out from the library), materials or equipment. The fines will be for the amount of the loss. If the Academy has made a reasonable effort to obtain payment for lost or damaged textbooks or library resources to no avail, the Academy may obtain payment through the use of professional collection agencies or institution of civil proceedings as deemed appropriate by the CEO or designee. If a student is graduating, the Academy may deny the privilege of participation in the graduation ceremony if the student has failed to return or replace a textbook or library resource by the date of the ceremony. At the discretion of the CEO, alternative payment methods, such as installment plans or school service, may be arranged for students who are unable to pay.

A student shall not be refused use of textbooks based on failure to pay the required fees.

College Tuition Failed Class Charges

Students and their parent/guardians are required to sign a document stating they will reimburse The Academy for tuition paid by The Academy for any college credit course the student failed to complete without the prior consent of the Academy CEO or designee.

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Additionally, The Academy requires a student or their parent/guardian to reimburse The Academy for tuition costs for any college course in which a student receives a grade below a "C". Reimbursement will be based on actual cost to The Academy which varies based on location of the course or number of students enrolled. The Academy finance office will calculate actual cost.

Failure to reimburse The Academy for tuition as stated above may result in The Academy withholding the diploma, transcripts or grades until required tuition reimbursement has been made. At the discretion of the CEO, alternative payment methods may be arranged as well.

Waivers and Adjustments of Fees

All fees, fines and charges shall be waived for indigent students. For purposes of this policy, an indigent student is defined as any child who is eligible for a free or reduced price lunch under the federal poverty income guidelines. The Free and Reduced Lunch application (located on the school's website, www.theacademyk12.org, Nutrition page), is used to determine eligibility. The information on this form is confidential. Once a determination is made the parent/guardian will be notified in writing by mail or email. Students qualifying for a fee waiver shall receive it without unnecessary embarrassment or public exposure of their need.

All fees for textbooks, expendable supplies and materials, and miscellaneous fees shall be waived for students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (l)(e).

LEGAL REF:

1 CCR 301-4 Determination of indigence and establishing policy on school fees

CRS 22-32-109 Board of education - specific

duties CRS 22-32-110 Board of education -
specific powers

CRS 22-32-117 Miscellaneous fees

CRS 22-32-118 Summer schools — continuation, evening, and community education programs

CRS 22-35-105 Payment of tuition

CRS 22-45-104 Fees - fines - disposition

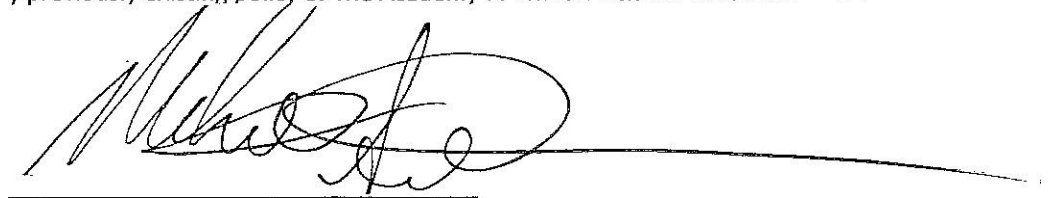
All other Academy Board policies will remain in full force. All discrepancies between this policy and others shall be brought to the attention and resolved by the CEO, or designee.

POLICY

HISTORY

This policy
supersedes any

previously existing policy of The Academy of Charter Schools pertaining to the



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previously existing policy content herein.

Board Chair Signature:

Date of Adoption: H/30 72017

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The Academy Student Data Transparency and Security Policy

Pursuing Truth, Wisdom, Excellence

Mission Statement: The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character and relationships.

The Academy is committed to protecting the confidentiality of student information obtained, created and/or maintained by the school. Student privacy and the school's use of confidential student information are protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Student Data Transparency and Security Act (the Act). The Academy will manage its student data privacy, protection and security obligations in accordance with this policy and applicable law.

Definitions

"Student education records" are those records that relate directly to a student. Student education records may contain, but not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns; and any Individualized Education Program (IEP).

"Student personally identifiable information" or "student PW" means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by The Academy, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

"Security breach" means the unauthorized disclosure of student education records or student PII by a third party.

The following terms used in this policy shall be as defined by the Act: "school service," "school service contract provided" and "school service on-demand provider."

Directory Information

(The term "directory information" is used for the portion of the education record that, if disclosed, would not generally be considered harmful or an invasion of privacy (34 CFR § 99.3). This may include the student's name, grade, participation in sports or activities, date and place of birth, honors and awards, and dates of attendance).

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Schools that disclose directory information must give "public notice" of this policy and explain what is included in such information. The notice must also indicate that parents may refuse to allow the school to designate any, or all, of their child's record as directory information.

Access, Collection and Sharing Within The Academy

The Academy shall follow applicable law in the access to, collection and sharing of student education records.

The Academy staff members shall ensure that confidential information in student education records is disclosed within the school only to officials who have a legitimate educational interest, in accordance with applicable law.

Appropriate Academy staff members shall be required to sign and comply with the school's agreement (The Academy Privacy and Protection of Confidential Student Information Acknowledgement Form — to be developed) concerning the protection of confidential student information, which describes the appropriate uses and safeguarding of student education records.

Contract Providers, On-Demand Providers, or other Third Parties

Academy staff members shall ensure that student education records are disclosed to persons and organizations outside the school only as authorized by applicable law and Academy policy. The term "organizations outside the school" includes school service on-demand providers and school service contract providers. Acquisition and use of any third-party apps and services that use student data in any capacity must be pre-approved by the Academy. Staff must follow the procedure to secure approval before using the contract provider or on demand provider. The Academy will identify specific programs or apps that are approved for school and teacher use and make that list available on the Academy Website.

Any contract between The Academy and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, The Academy shall post the following on its website: .

- a list of the school service contract providers that it contracts with and a copy of each contract; and
- clear explanation of the student PII Colorado Department of Education (CDE) collects
- to the extent practicable, a list of the school service on-demand providers that the network uses.

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- Privacy and security standards
- CDE data inventory index
- The security of student education records maintained by the school is a high priority.
- Security breach or other unauthorized disclosure

Staff members who disclose student education records in a manner inconsistent with applicable law and Academy policy may be subject to disciplinary action, up to and including termination from employment. Any discipline imposed shall be in accordance with applicable law and Academy policy.

Employee concerns about a possible security breach shall be reported immediately to the Chief Finance and Operations Officer (CFO). If the CFO is the person alleged to be responsible for the security breach, the staff member shall report the concern directly to the Chief Executive Officer (CEO).

When the school determines that a school service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student PIt, The Academy shall follow this policy's accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict The Academy from terminating its contract with the school service contract provider, as deemed appropriate by the school and in accordance with the contract and the Act.

Data Retention and Destruction

The Academy shall retain and destroy student education records in accordance with applicable law and Academy policy.

Staff Training

The Academy shall provide periodic in-service trainings to appropriate staff members to inform them of their obligations under applicable law and school policy concerning the confidentiality of student education records.

Parent/Guardian Complaints

In accordance with this policy's accompanying regulation, a parent/guardian of an Academy student may file a written complaint with the CFO if the parent/guardian believes the school has failed to comply with the Act.

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Parent/Guardian Requests to Amend Student Education Records

Parent/guardian requests to amend his or her child's education records shall be in accordance with The Academy's procedures governing access to and amendment of student education records under FERPA, applicable state law and Academy policy.

Oversight and Review

The CEO or designee shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The CEO or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The CEO or designee shall recommend revisions of this policy and/or accompanying regulation as deemed appropriate or necessary to The Academy Board of Directors. The Academy Board will annually review and approve this policy at the regularly scheduled August Board meeting.

Compliance with Governing Law and Governing Board Policy

The Academy shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student education records. The school shall be entitled to take all actions and exercise all options authorized under the law.

In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

Photographs and Media Release

Students may occasionally appear in photographs and videos taken by Academy staff members, other students, or other individuals authorized by the CEO or other Academy staff members. The Academy may use these pictures, without identifying the student, in various publications, including but not limited to, the school yearbook, social media, school newspaper, and school website. No consent or notice is needed or will be given before The Academy uses pictures of unnamed students taken while they are at school or a school-related activity.

Many times, however, The Academy will want to identify a student in a school picture. Academy staff may want to acknowledge those students who participate in a school activity or deserve special recognition. In order for The Academy to publish a picture with a student identified by name in any school-sponsored material, including yearbook, one of the student's parents or guardians must sign a consent form. Granting consent allows The Academy to publish and otherwise use photographs and videos, with the child identified, while he or she is

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enrolled at The Academy. This consent is valid for one year and may be revoked at any time by notifying the student's Level Principal or the Academy CEO.

FERPA is not the only statute that limits what providers can do with student information. The Protection of Pupil Rights Amendment (PPRA) provides parents with certain rights with regard to some marketing activities in schools. Specifically, PPRA requires that a school district must, with exceptions, directly notify parents of students who are scheduled to participate in activities involving the Collection, disclosure, or use of personal information collected from students for marketing purposes, or to sell or otherwise provide that information to others for marketing purposes, and to give parents the opportunity to opt-out of these activities. While FERPA protects PII from education records maintained by a school or district, PPRA is invoked when personal information is collected from the student.

Hearing and Complaint Procedures

Contract Breach by School Service Contract Provider

Within a reasonable amount of time after The Academy determines that a service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student personally identifiable information (PI'), the CEO or designee shall make a decision regarding whether to terminate the school's contract with the service contract provider in accordance with the following procedure.

The school shall notify the service contract provider of the basis for its determination that the service contract provider has committed a material breach of the contract and that the CEO is investigating the material breach.

The service contract provider may submit a written response to the CEO regarding the material breach.

The CEO will review the nature of the material breach and any response submitted by the service contract provider.

The CEO shall decide whether to terminate the contract with the service contract provider within 30 days of the start of the investigation and shall notify the service contract provider of its decision. The CEO's decision shall be final.

Parent/Guardian Complaints

In accordance with this policy, the parent/guardian of an Academy student may file a written complaint with the CFO if the parent/guardian believes the school has failed to comply with the Student Data Transparency and Security Act (the Act).

The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the school has violated and its impact on his or her child.

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The CFO will review the complaint and present all applicable information to the CEO. The CEO or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.

Within 10 calendar days of receipt of the school's response, the parent/guardian may appeal to The Academy Governing Board. Such appeal must be in writing and submitted to the CEO or designee.

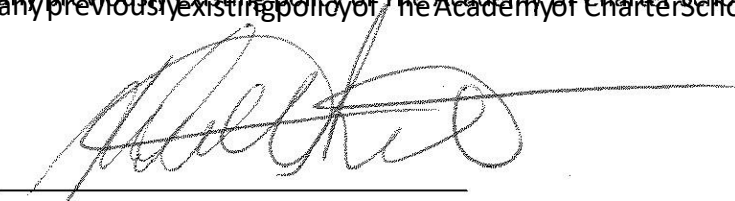
The Academy Governing Board shall review the parent's complaint and the CEO's response at a regular or special meeting. A school representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.

The Board shall make a determination regarding the parent/guardian's complaint that the school failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final. This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the school shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and Academy policy.

Governing Board Policy

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of an Academy Board Policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. The complaint and hearing procedures described in this regulation shall apply, unless the context otherwise requires and/or unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts any of these procedures, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

This policy supersedes any previously existing policy of The Academy of Charter Schools pertaining to

Signature: 
Date: 8/31/20

POLICY HISTORY

the content herein.

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Board Chair Signature:

Date of Adoption:

Legal Refs.:

15 U.S.C, 6501 et seq. (Children's Online Privacy Protection Act)
20 U. S.C. 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. 1232h (Protection of Pupil Rights Amendment)
20 U.S. C. 1415 (IDEIA procedural safeguards, including parent right to access student records)
20 U. S. C. 8025 (access to student information by military recruiters)
34 CER. 99, 1 et seq. (FERPA regulations)
34 CER. 300.610 et seq. (IDEIA regulations concerning confidentiality of student education records)
CRS. 19-1-303 and 304 (records and information sharing under Colorado Children's Code) CRS. 22-1-123 (district shall comply with FERPA and federal law on protection of pupil rights)
C.R. S. 22-16-101 et seq. (Student Data Transparency and Security.\$ Act)
CrR. S. 22-16-107 (2) (a) (policy required regarding public hearing to discuss a material breach of contract by school service contract provider)
CR. S. 22-16-107 (4) (policy required regarding student information privacy and protection)
C R. S. 22-16-112 (2) (a) (policy required concerning parent complaints and opportunity for hearing) C. R. S. 24-72-204 (3) (a) (V1) (schools cannot disclose student address and phone number without consent)
CR. S. 24-72-204 (3) (d) (information to military recruiters)
C. R.S. 24-72-204 (certain FERPA provisions enacted into Colorado Law)
C. R. S. 24-72-204 (3) (e) (11) (disclosure by staff of information gained through personal knowledge or observation)
C. R s. 24-80-101 et seq. (State Archives and Public Records Act)
C. R.S. 25.5-1-116 (confidentiality of HCPF records)

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CHSAA Transgender Inclusion Bylaw & Policy

Bylaw 300.

EQUITY CODE

1. The Colorado High School Activities Association is committed to ensuring that all students have equal access and opportunities to participate in CHSAA sponsored activities and athletics.
2. Member schools shall ensure that all students have equal access and opportunities to participate in activities and athletics without unlawful discrimination based on disability, race, creed, color, gender, sexual orientation, religion, age, national origin, or ancestry.
3. The Colorado High School Activities Association recognizes the right of transgender student athletes to participate in interscholastic activities free from unlawful discrimination based on sexual orientation. In order to insure appropriate gender assignment for purposes of athletic eligibility, a transgender student-athlete's home school will perform a confidential evaluation to determine the gender assignment for the prospective student-athlete. The CHSAA will review athletic eligibility decisions based on gender assignment of transgender student-athletes in accordance with its approved policies and appeals procedures.

CHSAA INCLUSION POLICY

The Colorado High School Activities Association (CHSAA) Board of Directors approved this policy and process to address the eligibility of transgender/transitioned/student-participants in CHSAA sanctioned activities/athletics.

For the purposes of this policy, the following definitions will apply:

1. The term “sexual orientation” means a person’s orientation toward heterosexuality, homosexuality, bisexuality, transgender status or another person’s perception thereof.
2. The term “gender identity” means an individual’s internal sense of gender.
3. The term “sex assigned at birth” refers to the sex designation recorded on an infant’s birth certificate should such a record be provided at birth.
4. The term “transgender” describes those whose gender identity is different from the sex they were assigned at birth.

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5. The term “gender expression” means external appearance, characteristics or behaviors typically associated with a specific gender.
 6. The term “gender fluid” means denoting or relating to a person who does not identify themselves as having a fixed gender.
 7. The term “detransition” means the cessation or reversal of a transgender identification or gender transition, whether by social, legal or medical means.
 8. The term “covered entity” means any person, business, or institution required to comply with the antidiscrimination provisions of the law.
-
9. Unlawful harassment includes severe or pervasive conduct that creates an environment that is subjectively and objectively hostile, intimidating, or offensive on the basis of gender identity, gender expression, or sexual orientation. Prohibited conduct includes, but is not limited to, the following:
 - a. Asking unwelcome personal questions about an individual’s gender identity;
 - b. Intentionally causing distress to an individual by disclosing to others the individual’s sexual orientation or transgender status;
 - c. Using offensive names or terminology regarding an individual’s gender identity, gender expression, or sexual orientation; or
 - d. Deliberately misusing an individual’s preferred name, form of address, or gender-related pronoun.

Policy Privacy:

All discussions and documentation in each level of the process either by a member school and/or CHSAA shall be kept confidential unless the student and family make a specific request.

Procedures:

The student’s member school will be the first point of contact for determining the student’s eligibility to participate in CHSAA sanctioned event(s). The student and parent(s)/guardian must notify the school in writing that the student has a consistent gender identity different than the student’s gender assigned at birth and list the sanctioned event(s) in which the student would like to participate. The consistent gender identity as stated in the school letter will be the gender recognized for the entirety of the student’s participation in CHSAA athletics/activities. (See Detransition Policy) A transgender student shall participate in accordance with their gender identity, and CHSAA Bylaw 2850.3 shall still apply.

The school *may* use the following criteria to determine participation:

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- Current transcript and school registration information
- A written statement from the student affirming their gender identity.

The school may consider but *may not require* the following information, if it is voluntarily provided by the student or their parent/guardian:

- Documentation from individuals such as, but not limited to, parents, friends, and/or teacher, which affirm that the actions, attitudes, dress and manner demonstrate the student's gender identity.
- Written verification from an appropriate health-care professional (doctor, psychiatrist, psychologist) of the student's gender identity.
- Medical documentation (hormonal therapy, sexual re-assignment surgery, counseling, medical personnel, etc.)

Gender Fluid:

Students that want to participate in CHSAA athletics and activities, must select one gender to participate. The process for gender identification and notification to the school is the same as stated above. Any subsequent detransition by a gender fluid student must also follow the detransition policy as stated below.

Detransition Policy:

Students that detransition after competing in their consistent gender identity at the high school level, must notify the school in writing of their intent to detransition and apply via written request to the school for further eligibility. The decision to approve the request will be made at the local level.

Areas of Awareness for Schools:

- Have a plan in place and be proactive.
- Use correct names/pronouns according to the student's self-identification, and permit the student to dress according to gender identity and or expression.
- Allow restroom and locker room access consistent to gender identity.
- Educate teachers, counselors, coaches, administrators, parents and students on transgender inclusion and awareness.

Resources:

- CHSAA Contact:
Bethany Brookens, Assistant Commissioner

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14855 E. Second Avenue – Aurora, CO 80011
Office Phone: 303-344-5050
Office E-mail: bbrookens@chsaa.org

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2021-2022 Academy Board Meetings

7:00 pm

July 30, 2021 (Board Retreat)

August 30, 2021

September 27, 2021

October 25, 2021

November 15, 2021

December 13, 2021

January 31, 2022

February 28, 2022

March 28, 2022

April 25, 2022

May 23, 2022

June 13, 2022

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