



The Academy Parent Notification of Employee Criminal Misconduct 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

H.B. 18-1269 imposes a duty to monitor on schools when a school employee is arrested for certain felony offenses. A duty to notify parents of school children is then triggered if the school employee is subsequently charged with the offense. A second notification is also required when the disposition of the charged offense is determined. All schools are required to incorporate a notification process in their Safe School Plan, including a notification procedure for when school is not in session.

Purpose

The Academy Board of Directors (“the Board”) is committed to maintaining a professional workforce whose conduct conveys respect for themselves, their peers, our students, and the greater community we serve. While federal and state laws, regulations and other district policies impose expectations of staff and prohibitions on their actions, the purpose of this policy is to ensure timely notification to parents of students when the school learns that an employee has been convicted of certain felony crimes.

The Colorado legislature has provided a list of offenses that it determined pose a risk to the educational setting. The Academy recognizes that employees accused of committing these offenses are presumed innocent until proven guilty, but The Academy understands and respects that these charges can be very concerning to our students and families. Consequently, when The Academy receives notice that a current or former employee has been charged or convicted of any of the statutory enumerated offenses, The Academy will provide parents and guardians information regarding the charge or conviction. The Academy may partner with relevant law enforcement agencies to determine what information should be included in the notice regarding the charge or conviction.

Additionally, when The Academy receives notice that an employee has been charged with one of these offenses and the underlying allegation implicates or poses an ongoing risk to students, The Academy will place the employee on administrative leave. In accordance with state law, all employees convicted of one of these enumerated offenses will immediately be disqualified from continued employment with The Academy.

Definitions

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

- (a) "Employee" means an employee of the school whose employment requires or required the employee to be in contact with students or whose work area gives or gave the employee access to students. "Employee" includes a former employee if the individual was employed by the school at any time within 12 months before an offense is charged. If the school has contracted with a private entity to operate an online school, the employee of the private entity is deemed to be an employee of the school.

"Parent" means the biological or adoptive parent or the legal guardian or legal custodian of a student enrolled in a school at the time notification is made.

School's Responsibility to Monitor Criminal Proceedings

The Academy routinely receives reports from the Colorado Bureau of Investigation ("CBI") relating to employees who have previously been subject to a background check.

If The Academy receives a report from the CBI that includes information that an employee has been arrested for any of the crimes listed below, the school shall monitor the criminal proceedings to determine whether the employee is charged with an offense listed below and whether a preliminary hearing has been held if the charge is eligible for a preliminary hearing.

Crimes that require further monitoring and potential notification to parents are:

1. Felony child abuse;
2. A crime of violence, not including assault in the second degree unless the victim is a child;
3. A felony offense involving unlawful sexual behavior;
4. A felony, where it is alleged that the underlying factual basis of which includes an act of domestic violence;
5. Felony indecent exposure; or
6. A felony drug offense that is a Level 1 or Level 2 drug felony.

Notification Procedure

Within two (2) school days after the preliminary hearing is held, waived or deemed waived by the employee, or within two (2) school days after the date on which the employee is charged if the charged offense is not eligible for a preliminary hearing, the school shall provide notice to parents.

Notice should be sent to parents of all students who:

1. Were enrolled in the school in which the employee is employed or was employed at the time of the alleged offense; or
2. The school has reason to believe that the employee may have had contact with the student as part of the employee's employment with the school.

The notification shall contain:

1. The name of the employee;

2. The employee's position;
3. Whether the employee continues to be employed by the local education provider;
4. The length of employment with the school
5. The alleged offense as set forth in the charging document, including the violation of statute or code; and
6. A statement that, under state and federal law, a person is presumed innocent until proven guilty.

If The Academy has already provided notice to parents about the employee's charge which substantially conforms with these notice requirements, the school need not provide additional notice of the charge.

A second notification is required within two (2) school days after the school confirms the disposition, or outcome of the charge. The disposition notification shall provide notice to parents of the disposition of the charge and shall be in the same manner as the original notification.

Additional Parameters

Notifications shall be in the same manner by which the school notifies parents of important school business, which may include email, other electronic communication, or by first-class mail.

The Academy may provide additional information to parents regarding the underlying facts or circumstances relating to the charge but shall not disclose the identity of the alleged victim.

Parental notification may be delayed if requested by law enforcement.

Notification must be sent regardless of whether or not the circumstances of the charge occurred when the employee was off duty.

Notification When School is Out of Session

The duty to notify parents of qualifying charges and convictions against employees continues while school is out of session. Accordingly, our Human Resources department shall continue to monitor CBI reports and criminal proceedings during scheduled breaks to ensure notification requirements are met.

Reporting to CDE and CSI

If an employee of the school is dismissed or resigns because of an allegation of any one of these enumerated crimes, and such allegation is supported by a preponderance of the evidence, the school shall notify the Colorado Department of Education ("CDE") and the Colorado Charter School Institute ("CSI"). The school shall provide any information requested by CDE or CSI concerning the circumstances of the dismissal or resignation. The school shall notify the employee that information concerning the employee's dismissal or resignation is being forwarded to CDE and CSI unless the notice would conflict with the confidentiality requirements of the "Child Protection Act of 1987", part 3 of article 3 of title 19, C.R.S.

If The Academy learns from a source that a current or past employee of the school has been convicted of, pled guilty to, pled no contest, or has received a deferred sentence or deferred prosecution for any of the above enumerated crimes, the school shall notify CDE and CSI.

Safe School Plan

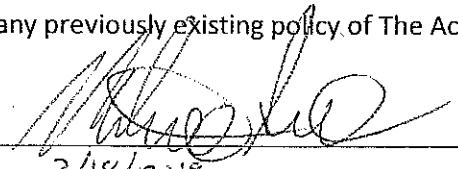
This policy is incorporated into The Academy's Safe School Plan.

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 content herein.

Board Chair Signature: _____



Date of Adoption: 3/18/2019

LEGAL REF.:

C.R.S. 22-1-130 (Notice to parents of alleged criminal conduct by school employees – legislative declaration – definitions)

C.R.S. 22-30.5-110.5 (information provided to department)

C.R.S. 22-30.5-511.5 (Background investigations – prohibition against employing persons – institute charter school employees' information provided to department)

C.R.S. 22-32-109.8(6.5) (Prohibition against employing persons)

RETURN TO AGENDA