

Mission Statement

*Develop responsible and
productive members of
society*

Strasburg School District
31-J

August 8, 2018 @ 6:30 p.m.

Board of Education

John Sampson, President

Nancy Taylor, 1st Vice President

Connie Lybarger, 2nd Vice
President

Michael Marrero, Secretary

Julie Winter, Treasurer

*Strasburg School Board strives to
follow our guiding principles:*

T – Transparency

R – Respect

U – Unity

T – Trust

H – Honesty

Agenda

SCHOOL DISTRICT BOARD ROOM

Meetings are held in the East video-conference room – Room 110.

Please enter the High School through the circle drive entrance.

The Board's meeting time is dedicated to the mission and goals of the Strasburg 31J School District. Your opinion is valuable to the Board. There is an opportunity during request from patrons to address the Board.

Members of the public who intend to offer public comment to the Board must sign up for comment with the Superintendent before each Board meeting. The Board President has discretion to call on those who have signed up and set the order of speakers.

(District students should identify themselves as such and they will be called upon first).

Presentations must be no more than three minutes.

There are many other ways to become involved with the schools such as district accountability committees, booster clubs, classroom parent volunteers, etc. For more information feel free to contact any of the schools or the administration office.

I. Opening of the Meeting

- a. Call to Order
- b. Roll Call
- c. Pledge of Allegiance
- d. Adoption of Agenda

II. Report of the Superintendent

- a. IT Department Changes
- b. Bleachers for visitor side of football field

III. Board Discussion

- a. Master Plan
- b. Small Rural Grant Budget

IV. Board Action items

- a. Personnel
 - i. Resignations:
 - 1. Jeff Bain, Technology Director
 - 2. Eddie O'Callaghan, Technology Assistant
 - 3. Aleah Robinson, SES Para
 - 4. Karen Ewertz, SHS Secretary
 - ii. New Hires:
 - 1. Karen Ewertz, SHS Para 110 retirement employee for the 2018-2019 school year.
 - 2. Heather Neira, HMS Special Education Teacher
 - 3. Alison Collitt, SES Second Grade Teacher
 - 4. Jennifer Hall, HMS Secretary
 - 5. Kim Harris, SHS Business/Computer Teacher
 - 6. Darel Dodge, Education Technologist
 - 7. Marvin Williams, Custodian
 - 8. Amanda Mathews, Bus Driver
 - 9. Casey Millhollin, Bus Driver
 - 10. Michelle Martinez, Bus Driver
 - 11. Ryan Hoerdemann, SHS Assistant Volleyball Coach
 - 12. Jason Hall, HMS Assistant Football Coach
 - 13. Hayley Buckman, SHS Assistant Cross Country Coach
 - 14. Sandy VanErt-Garcia, SHS Assistant Softball Coach
 - 15. Updated Sub list
- b. Coaching salary schedule
- c. Approval of new book for Bi-lingual class. It is entitled Same Kind of Different as Me
- d. Job Descriptions
 - i. Preschool Paraprofessional
 - ii. Instructional Paraprofessional
- e. Policy – All Revisions
 - i. AEE – Waiver of State Law and Regulation
 - ii. BEDA – Notification of School Board Meetings
 - iii. BEDH – Public Participation at School Board Meetings
 - iv. DAB – Financial Administration

- v. DAB – E – Financial Administration Exhibit
- vi. EEAA – Walkers and Riders
- vii. EEAE – Bus Safety Program
- viii. EEAEAA – R Drug and Alcohol Testing for Bus Drivers
- ix. EEAG – Student Transportation in Private Vehicles
- x. EEAG-E – Student Transportation in Private Vehicles Exhibit
- xi. EF-E-2 – Civil Rights Complaint Procedure for School Nutrition Program
- xii. GBGA – Staff Health and Medical Examination Requirements
- xiii. GBGA-R – Staff Health Regulation
- xiv. GBGB – Staff Personal Security and Safety
- xv. GBGE – Staff Maternity Paternity Parental Leave
- xvi. GBK – Staff Concerns Complaints Grievances
- xvii. GCE-GCF-R – Professional Staff Recruiting Hiring
- xviii. GCKAA – Teacher Displacement
- xix. GCKAA-R – Teacher Displacement Regulation
- xx. GCQC-GCQD-R – Resignation of Instructional Staff and Administrative Staff
- xxi. GCQF-R – Discipline, Suspension and Dismissal of Professional Staff Regulation
- xxii. GDE-GDF – Support Staff Recruiting Hiring
- xxiii. GDE-GDF – R – Support Staff Recruiting Hiring – Regulation
- xxiv. IHBB – Gifted Education
- xxv. IHBD – Equivalence of Services
- xxvi. JEF – Entrance Age Requirements
- xxvii. JFABB – Admission of Non-immigrant Foreign Exchange Students
- xxviii. JFABB-R – Admission of Non-immigrant Foreign Exchange Students Regulation
- xxix. JICEA – School Related Student Publications
- xxx. JICEA – R – School Related Student Publications Regulation
- xxxi. JICEC – Student Distribution of Noncurricular Materials
- xxxii. JICEC-R Student Distribution of Noncurricular Materials Regulation
- xxxiii. JJA-1 – Student Organizations
- xxxiv. JJA-2 – Student Organizations Open Forum
- xxxv. JLCB-R Immunization of Students Regulation
- xxxvi. JLCD – Administering Medications to Student
- xxxvii. KDB-R – Public’s Right to Know Freedom of Information

V. Consent Agenda

- a. Approval of the minutes of the June 12th, 2018 Regular Board Meeting.
- b. Approval of claims, accounts, and financial statements, as appropriate. As per Board action, financials are mailed out no later than 12 working days from the beginning of the month. The Board confirms approval of financials at its next regular meeting. Questions regarding information on the financials can be brought to the Board meeting.

VI. Adjournment

18-19 Small Rural Grant and General Fund Capital Expenditures

Description	Estimated Cost
Middle School LA Curriculum	24,510 Has been Board Approved (June)
Classroom Furniture – innovation classrooms HMS	6,000
Alpine Achievement Student Data System	10,000 Request Board approval in August
Laptops one-to-one model	95,000
Transportation	
2 buses – 1 70+ passenger 1 wheelchair	170,000 Route 99,000 small ADA 68,000
HMS Gym Lighting	20000
Athletic Storage	10000
Master Plan	55,000
Total	390,510
Revenue	
Small Rural Grant	344,000
General fund Capital expenditure	50,000
Total Revenue	394,000

Additional items

Safety film for windows

Raptor system – visitor identification system

(These could be included in a school safety grant)

Storage for athletic equipment – we have run out of space and we are stacking equipment in violation of fire codes

Master Plan 55,000 includes fees to create and work through the BEST grant.

Revised Sample Policy

File: AEE*

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Waiver of State Law and Regulation

The Board of Education believes that many state laws and regulations impede the district's progress toward achieving its mission. Therefore, the Board directs the superintendent to work with district legal counsel, the district accountability committee and school principals to:

1. Determine which state laws and regulations, if waived, would enhance educational opportunity and quality within the school district and reduce or eliminate costs that are significantly limiting educational opportunity within the district. This determination shall be made on a school-by-school basis and a district-wide basis.
2. Make recommendations to the Board regarding which state laws and regulations the Board should consider for waiver.

The Board must consider whether to apply for waivers in a public meeting that includes a public hearing. The Board shall consult with the district accountability committee concerning the intent to seek waivers at least 60 days prior to the scheduled public hearing.

In the Board meeting, which includes a public hearing, the Board shall adopt a resolution stating the Board's intent to apply for waivers and specifying the statutes or rules for which the Board will request waivers. In the waiver application, the Board shall state the manner in which the district will comply with the intent of the waived rule or statute and be accountable to the State Board of Education.

The Board shall post notice of the public meeting in three public places within the district not less than 30 days prior to the meeting. The notice shall include a description of the waivers to be considered. If there is a newspaper published in the county, the Board shall also publish notice once a week for four weeks prior to the meeting.

The district shall post on its website a list of the statutes for which it has received a waiver from the State Board, in accordance with state law. This list shall be updated within 30 days after a waiver is revoked or a new waiver is granted.

Adopted: 2006

LEGAL REFS.: C.R.S. 22-2-117 (state board power to grant waivers)
C.R.S. 22-44-305 (district must post waivers of state law)
1 CCR 301-35, Rules 2217-R-1.00 et seq. (waiver rules)

CROSS REF.: AE, Accountability/Commitment to Accomplishment

NOTE 1: Districts that have a funded pupil count of 3,000 or more pupils must demonstrate that an application for waiver has the consent of a majority of the district accountability committee (or the school-level accountability committee if the waiver is sought for only one school), and a majority of the licensed administrators and teachers of the affected school or district. C.R.S. 22-2-117 (1)(d). However, these additional requirements do not apply to school districts with 3,000 or more students when the school district has been granted exclusive authority to charter schools within the geographic boundaries of the district, unless the district is asking for a waiver of certain laws pertaining to teachers. C.R.S. 22-2-117 (6).

NOTE 2: The State Board of Education cannot waive the following state laws:

- requirements pertaining to the data necessary for performance reports (22-11-501 et seq.)
- state assessments (22-7-1006.3)
- duties of board president and vice president (22-32-105)
- prohibition of tobacco products on school property (22-32-109 (1)(bb)(I))
- establishing program outside state boundaries (22-32-109 (2))
- attendance policy (22-33-104 (4))
- Public School Finance Act (22-54-101 et seq.)
- Exceptional Children's Educational Act (22-20-101 et seq.)
- provisions related to fingerprinting and criminal history record checks of personnel (22-32-109.7, 109.8, 109.9, 22-2-119)
- Children's Internet Protection Act (22-87-101 et seq.)
- student conduct and discipline code requirements (22-32-109.1 (2)(a))
- reporting requirements regarding school use of on-site peace officers as school resource officers (22-32-146)
- **requirement to post the statutes for which waivers are granted (22-44-305)**
- **requirement to notify parents of alleged criminal conduct by district employees (22-1-130)**

NOTE 3: Another process to seek waivers of state law and regulation is set out in the Innovation Schools Act of 2008, C.R.S. 22-32.5-108. A school district that has been designated as a district of innovation may seek waivers from the State Board in accordance with that law. A district of innovation may also seek a waiver from provisions of a collective bargaining agreement.

NOTE 4: Each district shall post, in a location and format that can be easily accessed and downloaded, for free public access on its website, a list of the statutes for which the district has received a waiver from the State Board. For each waiver, the district shall post a copy of the plan that explains the manner in which the district will meet the intent of the waived statute. In listing its waivers, the district shall include waivers granted to the district as a whole and waivers granted to one or more district schools, other than a charter school. The district shall list separately each waiver granted to an innovation school or to schools in an innovation school zone. C.R.S. 22-44-305.

[Revised June 2018 ~~November 2015~~]
COLORADO SAMPLE POLICY 2000©

Revised Sample Policy

File: BEDA

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Notification of School Board Meetings

The Board shall give full and timely notice to the public of any meeting of three or more Board members at which public business may be discussed or any formal action taken, including special, regular and work session meetings and retreats.

Dates of regular meetings of the Board shall be provided in annual announcements and made available in printed form to the news media and public. At its first regular meeting of the calendar year, the Board shall designate the public place or places at which notice of all Board meetings shall be posted. In the event such action is not taken annually, the designated public place(s) used in the previous year shall continue as the official posting site(s).

At a minimum, the Board shall cause notice of regular and special meetings and work sessions to be posted at the designated public place no less than 24 hours prior to the meeting. This notice shall include specific agenda information where possible.

Copies of the agenda shall be available to representatives of the community and staff and others at the District Administrative Office upon publication and dissemination to the Board.

The district shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies will be discussed. These individuals will be provided reasonable advance notification of Board meetings unless the meeting is a special meeting and there is insufficient time prior to the meeting to mail notice to persons on the list.

Notice to the Board

The superintendent **or designee** shall **provide** ~~mail~~ the agenda, together with meeting materials and the minutes of the last regular meeting, to Board members no later than 72 hours before the next regular meeting.

Adopted: 2006

LEGAL REFS.: C.R.S. 22-32-108 (2), (3) (*meetings of the board*)
C.R.S. 24-6-402 (2)(c) (*notice of meeting "shall include specific agenda information where possible"*)

File: BEDA

C.R.S. 24-6-402 (7) *(district must keep list of persons who have requested notification of meetings when specified policies are discussed and provide reasonable advance notice to such persons)*

CROSS REFS.: BE, School Board Meetings
BEDB, Agenda

Revised Sample Policy

File: BEDH

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Public Participation at School Board Meetings

All regular and special meetings of the Board shall be open to the public. Because the Board desires to hear the viewpoints of all citizens throughout the district and also needs to conduct its business in an orderly and efficient manner, it shall schedule time during some Board meetings for brief comments and questions from the public. Some public comment periods may relate to specific items on the agenda. The Board shall set a time limit on the length of the public participation time and a time limit for individual speakers.

During times of general public comment at a regular meeting, comments and questions may deal with any topic related to the Board's conduct of the schools. Comments at special meetings must be related to the call of the meeting. During times of public comment on specific agenda items, comments shall be confined to the topic of the agenda item being considered by the Board. Speakers may offer such criticism of school operations and programs as concern them, but are encouraged to exercise their speech rights responsibly. The Board encourages the discussion of all personnel matters to be conducted in executive session.

The Board president shall be responsible for recognizing all speakers who shall properly identify themselves, for maintaining proper order and for adherence to any time limits set. Questions asked by the public **that require further shall, when possible, be answered immediately by the president or referred to staff members present for reply.** Questions requiring investigation **may** shall be referred to the superintendent **or superintendent's designee** for consideration and later response.

Members of the public will not be recognized by the president during Board meetings except as noted in this policy.

Members of the public wishing to make formal presentations before the Board should make arrangements in advance with the superintendent so that such presentations, when appropriate, may be scheduled on the agenda.

In addition to public participation time during Board meetings, the Board is committed to engaging members of the community on an ongoing basis regarding community values about education during times other than the Board's regular meetings.

Adopted: 2006

File: BEDH

LEGAL REF.: C.R.S. 24-6-401 *et seq.* (*open meetings law*)

CROSS REF.: KE, Public Concerns and Complaints

Revised Sample Policy

File: DAB*

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Financial Administration

With respect to the actual, ongoing financial condition and activities of the district, the superintendent shall not cause or allow fiscal jeopardy or a material deviation from the annual budget or any budget policies adopted by the Board, or any fiscal condition that is inconsistent with achieving the district's objectives.

Expending district funds

The superintendent shall take reasonable steps to ensure that only funds that have been received in the fiscal year to date are expended, unless authorized by Board resolution.

Reporting to Board and community

Audits

All district funds and accounts shall be audited by an independent auditor annually in accordance with state law and Board policy concerning the annual audit. All district funds and accounts shall be audited internally on a quarterly basis. Timely and appropriate corrective actions shall be taken in accordance with any internal or external audit findings.

NOTE: Quarterly audits are not required by law but may be a useful financial oversight tool for the Board.

The Board shall receive all audit reports and be informed of all corrective actions taken.

Financial reports

Monthly reports

The superintendent or designee shall prepare and submit to the Board a monthly cash receipts and disbursements report.

Quarterly reports

NOTE: Quarterly reports are now required by law for the general fund and on any other funds per the Board's request.

The superintendent or designee shall prepare and submit to the Board a quarterly fiscal actions report of all district funds. The quarterly report shall include:

- the actual amounts spent and received as of the date of the report from each of the funds budgeted by the district for the fiscal year, expressed as dollar amounts and as percentages of the annual budget
- the actual amounts spent and received for each fund for the same period in the preceding fiscal year, expressed as dollar amounts and as percentages of the annual budget
- the expected year-end fund balances, expressed as dollar amounts and as percentages of the annual budget
- a comparison of the expected year-end fund balances with the amount budgeted for that fiscal year
- details on the district's major tax and revenue sources, with variance analysis that shows the factors that are affecting revenue inflow.

The format and basis for reporting shall be consistent with the adopted budget and the past year's generally accepted accounting procedures results.

Reconciliation report

The superintendent or designee shall prepare for the Board an itemized reconciliation between the fiscal year-end fund balances based on the budgetary basis of accounting and the modified accrual basis of accounting. The reconciliation shall include, but is not limited to, the liability for accrued salaries and related benefits. The reconciliation shall be included with the final version of the amended budget and the annual audited financial statements.

The Board shall receive all financial reports in a timely manner and be informed of all corrective actions taken.

The superintendent or designee shall conduct quarterly financial reviews with the Board using reports described above.

The Board may request other financial reports as needed.

Oral notification

The superintendent shall assure that immediate verbal notification be given to the Board regarding any potential financial problem or any matter that may affect the district's financial condition or ability to achieve its mission.

Available to public

All financial and audit reports shall be made available to the public and shall be posted online **as required and** in accordance with the Public School Financial Transparency Act.

Legally-required reports

Reports and filings required by state and federal law and agencies shall be accurately and timely filed.

Record keeping

Complete and accurate financial records shall be kept for all district funds and accounts.

Operating losses or deficits

The superintendent, as well as all fund directors, program directors, department heads and school principals, shall take all reasonable steps to identify funds, programs, departments or schools that may end the fiscal year with an operating loss or deficit. A corrective action plan shall be developed and implemented within 30 days of such identification.

The superintendent, as well as all fund directors, program directors, department heads and school principals, shall develop and implement processes whereby variations or deviations in cash flow, revenues or other important financial indicators can be identified and dealt with in a timely manner.

Employee reporting

The superintendent shall develop and implement procedures to encourage all district employees to report suspected financial problems or wrongdoing. No adverse employment decisions shall be taken in response to a good faith report by an employee.

Contingency planning

The superintendent or designee shall continually be aware of the financial and political landscape both internally and externally and shall develop contingency plans against possible events.

Adopted: 2006

LEGAL REFS.: C.R.S. 22-2-113.8 (*annual report required regarding additional local property tax revenues received and the amount distributed directly to the district's schools*)
C.R.S. 22-44-105 (1.5)(b) (*itemized reconciliation*)
C.R.S. 22-44-301 *et seq.* (*Public School Financial Transparency Act*)
C.R.S. 22-45-102 (1)(b) (*quarterly financial reports*)

CROSS REF.: KD, Public Information and Communications

NOTE: The Board may also wish to establish a community audit or financial oversight committee consisting of business persons familiar with financial matters, accountability committee members, parents, and others.

Revised Sample Exhibit

File: DAB*-E

NOTE: This exhibit reflects legal requirements school districts must follow. However it does not need to be filed in the Board's policy manual. It is provided as information only.

Financial Administration (Online Posting of Financial Information)

The Public School Financial Transparency Act, C.R.S. 22-44-301 *et seq.* (the Act) requires the district to post financial information online, in a downloadable format, for free public access. ~~The Act requires the district to update any required information within 60 days of the district's completion or receipt of the applicable report, statement or document.~~ Once posted, the Act requires the district to maintain the prior two budget years' financial information online until the end of the current budget year.

In accordance with the Act, the district shall post the following financial information **and shall update the information within 60 days after the district's completion or receipt of the applicable report, statement or document:**

- Annual budget
- Annual audited financial statements
- Salary schedules or policies pertaining to salaries
- **A link to the district's federal form 990, 990-EZ or 990-PF and any associated schedules that the district files***
- ~~Quarterly financial statements*~~
- ~~Accounts payable check registers and credit, debit and purchase card statements*~~
- ~~Investment performance reports*~~

The district shall post and update the following financial information, on an annual basis:

- Actual expenditures, including salary and benefit expenditures reported by job category specified in the chart of accounts, at the district level and school-site level. This information shall be posted in a format that can be sorted.

Small rural school districts that enroll less than 1,000 students are not required to report expenditures at the school-site level except for those

school-site level expenditures that the district charges to a district charter school.

If the Board adopts a plan for distributing additional mill levy revenue pursuant to C.R.S. 22-32-108.5(4), the district shall post a copy of the plan and shall update it within 30 days after the Board adopts a new or updated plan.*

If the Board does not adopt a plan for distributing additional mill levy revenue pursuant to C.R.S. 22-32-108.5(4), the district shall post the following information, and shall update it within 30 days after the end of each budget year:*

- **a statement of intent to distribute at least 95% of the additional mill levy revenue to the district's charter schools and innovation schools on a per-pupil basis**
- **a statement of the total amount of additional mill levy revenue collected by the district for each property tax year**
- **if applicable and as provided by Board policy,**
 - **the amount distributed to support students:**
 - **enrolled in alternative education campuses**
 - **who qualify for free or reduced-price meals**
 - **who are identified as English Language Learners**
 - **who have individualized education programs**
 - **the total amount distributed for the above student populations and on a per-pupil basis to each charter school and innovation school, as a percentage and as a dollar amount**

In addition to the information provided above, the district shall provide a link to the Colorado Department of Education's website, or the address for the website, where a member of the public may access information or reports that are submitted directly to the department.

Waivers

The Act also requires that if the district has received a waiver of state law or regulation from the State Board of Education, the district shall post a list of waivers it has received. For each statutory waiver posted, the district shall post a copy of the plan that explains the manner in which the district will meet the intent of the waived statute. The district must then update its waiver list within 30 days after a waiver is revoked or a new waiver is granted.

<p><i>NOTE 1: Beginning July 1, 2015, aAll school districts must use a standard website template to display the legally required financial information on the district's website. C.R.S. 22-44-304 (4). This standard template is available on CDE's website.</i></p>
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NOTE 2: ~~Those reports with an asterisk (*) will no longer be required to be posted beginning July 1, 2017 because these statutory provisions are repealed.~~ **Information followed by an asterisk (*) shall be posted beginning July 1, 2018. The information posted, however, is regarding the mill levy override distribution to charter schools and innovation schools beginning with the 2019-20 school year and each budget year thereafter. C.R.S. 22-32-108.5 (9), 22-44-304 (1)(f).**

Issued:

Revised Sample Policy

File: EEAA

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Walkers and Riders

The district shall furnish transportation to all elementary school students who live beyond 1.5 miles ~~one mile~~ from their assigned school, **and to middle junior and senior high school** students who live beyond 1.5 miles. ~~one and one-half miles from their assigned school., and to students who are attending a school other than their assigned school pursuant to the No Child Left Behind Act (NCLB) choice option.~~

Transportation ~~may~~ shall be furnished for shorter distances **as deemed appropriate and/or necessary by the district and shall be furnished for shorter distances if required by applicable law.** ~~if, in the opinion of the Board, extreme hardship or dangerous conditions prevail.~~

NOTE: The following paragraph is optional.

To the extent feasible, the maximum daily ride time for students on district transportation shall be 1.5 hours.

Adopted: 2006

LEGAL REF.: 1 CCR 301-26, 4204-R-17.10 (district must make effort to minimize student ride times while considering multiple factors; Board may establish maximum ride times)

*NOTE: An accompanying regulation may be needed to establish how walking distances will be measured. Because student transportation is a sensitive area, ~~official~~ Board approval of the regulation **may** ~~would~~ be advisable. This also is true of other regulations pertaining to student transportation.*

Revised Sample Policy

File: EEAE

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Bus Safety Program

The school district shall comply with all state laws and regulations pertaining to the operation of school buses and shall make these requirements known to bus drivers. It also shall cooperate with local safety officials in formulating and accomplishing its school bus safety program.

The safety and welfare of student riders shall be the first consideration in all matters pertaining to the bus safety program. Safety precautions shall include the following:

1. Students shall be instructed as to the proper procedure for boarding and exiting from a school bus and in proper and safe conduct while aboard.
2. Emergency evacuation drills shall be conducted at least two times a year to acquaint student riders with procedures in emergency situations.
3. Passengers of any school bus used on mountainous terrain shall not occupy the front row of seats and any seats located next to emergency doors unless the bus is equipped with retarders which supplement the bus brake system or the passengers are adequately restrained in a fixed position.
4. All vehicles used to transport students shall be inspected **in accordance with applicable** ~~periodically to see that they meet~~ safety regulations.

A bus driver who observes a vehicle passing the school bus when the signal lights are activated shall notify the transportation supervisor of the violation and provide the basic information required by law. The transportation supervisor shall convey this information to the appropriate law enforcement agency.

Adopted: 2006

LEGAL REFS.: C.R.S. 42-4-707 (*certain vehicles must stop at railroad grade crossings*)
C.R.S. 42-4-1901-1904
1 CCR 301-26, Rules 4204-R-200 *et seq.*

CROSS REF.: EEAE*, Use of Wireless Communication Devices by School Transportation Vehicle Operators

[Revised June 2018 November 2008]
COLORADO SAMPLE POLICY 1992©

Revised Sample Regulation

File: EEAEAA*-R

NOTE: Colorado school districts are required by law to adopt a regulation on this subject and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Drug and Alcohol Testing for Bus Drivers

School bus drivers who operate a motor vehicle requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations.

These district regulations reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulation. District personnel will adhere to the detailed provisions of federal regulation in administering the district's drug and alcohol program.

References to *tests* in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms *drugs* and *controlled substances* are interchangeable and have the same meaning and the terms refer to marijuana (THC), cocaine, **opioids** ~~opiates~~, phencyclidine (PCP) and amphetamines (including methamphetamines). **The term “opioids” includes hydrocodone, hydromorphone, oxycodone, oxymorphone, opium, opiate, or an opium derivative such as morphine, codeine or heroin.**

Pre-employment drug tests

Drug tests will be administered before a driver performs any safety-sensitive functions for the district.

The tests will be required of an applicant only after the position has been offered. Employment with the district is conditional upon the applicant receiving a negative drug test result.

An employee may be exempt from the pre-employment drug test if the employee has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program either was tested for drugs within the last six months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the district has been able to make all verifications required by law.

Post-accident tests

Alcohol and controlled substance tests will be conducted as soon after an accident as practicable on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life; or
2. Where any person involved in the accident required immediate medical attention away from the scene and the driver received a citation under state or local law for a moving traffic violation arising from the accident; or
3. Where the vehicle required towing from the scene and the driver received a citation for a moving violation.

No driver involved in an accident may use alcohol for eight hours after the accident or until after undergoing a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

Before any driver operates a commercial motor vehicle, the district will provide post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random tests

Tests will be conducted on a random basis at unannounced times throughout the year. Random tests for alcohol will be conducted just before, during or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety sensitive functions. Once notified of selection for drug testing, a driver must proceed to a collection site to provide a urine specimen.

Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing will be in accordance with federal regulations.

Reasonable suspicion tests

Tests must be conducted when a properly trained supervisor or district official has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of his observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Return-to-duty tests

A drug or alcohol test will be conducted when a driver who has violated the district's drug or alcohol prohibition returns to performing safety sensitive duties.

Employees whose conduct involved misuse of drugs may not return to duty in a safety-sensitive function until the return-to-duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety sensitive function until the return-to-duty alcohol test produces a verified result that meets federal and district standards.

Follow-up tests

A driver who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing will be conducted just before, during or just after the time when the driver is performing safety-sensitive functions.

Records

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver will receive copies of any records pertaining to the driver's use of drugs or alcohol, including any records pertaining to personal drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the driver.

Notifications

Each driver will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives of employee organizations will be notified of the availability of this information. The information will identify:

1. The person designated by the district to answer driver questions about the materials.
2. Categories of drivers who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the workday driver compliance is required.
4. Specific information concerning driver conduct that is prohibited.
5. Circumstances under which a driver will be tested for drugs and/or alcohol.
6. Procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of test results and ensure that test results are attributed to the correct driver.
7. The requirement that a driver submit to drug and alcohol tests administered in accordance with federal regulations.
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
9. Consequences for drivers found to have violated the drug and alcohol prohibitions including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment.
10. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life; external and internal signs and symptoms of a drug or alcohol problem, and available methods of intervening when a drug or alcohol problem is suspected including confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each driver must sign a statement certifying receipt of a copy of the above materials.

The district will inform drivers before drug and alcohol tests are performed.

The district will notify a driver of the results of a pre-employment drug test if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application.

The district will notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district also will tell the driver which controlled substances were verified as positive.

Drivers will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the driver that it will not adversely affect the ability to safely operate a commercial motor vehicle.

Enforcement

Any driver who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will not be allowed to perform or continue to perform safety-sensitive functions.

A driver who in any other way violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the driver needs in resolving such a problem.

Any substance abuse professional who determines that a driver needs assistance will not refer the driver to a private practice, person or organization in which the professional has a financial interest except under circumstances allowed by law.

Before the driver is returned to safety-sensitive duties, if at all, the district must ensure that the employee:

1. Has been evaluated by a substance abuse professional.
2. Has complied with any recommended treatment.
3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02.
4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the driver's return to duty.

Adopted: 2006

Revised: 03-2009

Revised Sample Policy

File: EEAG

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Student Transportation in Private Vehicles

A staff member may transport a student or group of students in a personal vehicle for school-related purposes only if the staff member has special permission covering the specific trip.

Special permission for providing student transportation may be granted in exceptional cases by the superintendent **or designee**. Exceptional cases shall be determined by review of the number of students traveling, relative costs, safety factors, distance **and other factors, as determined necessary by the superintendent or designee.**~~, etc.~~

~~Staff Personnel~~ with special permission to use their own vehicles for transporting students must carry their own liability insurance coverage in compliance with state law. A copy of the staff member's driver's license, motor vehicle record, and insurance card shall be placed on file with the appropriate administrative official prior to the transportation of students. A memo of understanding shall be signed by the staff member and district administrative official(s) acknowledging that the staff member's personal liability insurance **may** ~~shall~~ be used first for any necessary coverage.

Adopted: 2006

LEGAL REFS.: ~~C.R.S. 22-32-113 (4)~~
C.R.S. 42-7-101 *et seq.* (Motor Vehicle Financial Responsibility Act)

Revised Sample Exhibit

File: EEAG-E

NOTE: This exhibit does not need to be filed in the Board's policy manual. It is provided as informational only and if applicable, may be kept by the district in another location.

Student Transportation in Private Vehicles

(Memorandum of Understanding)

Permission to transport students in private vehicles must be obtained from the superintendent **or designee** prior to travel.

I understand that my driver's personal liability insurance ~~may~~ **shall** be the primary insurance in case there is a need for any coverage. I also understand that I must carry liability insurance coverage that is in compliance with ~~Colorado~~ state law.

The following shall be on file in the superintendent's office and in the transportation director's office before student transportation in my private vehicle takes place:

_____ Copy of my driver's license.

_____ Copy of my motor vehicle record.

_____ Copy of my auto insurance card.

Owner/driver of private vehicle Date

Superintendent **or designee** Date

Transportation director Date

Issue Date: 2006

Revised Sample Exhibit

File: EF-E-2

NOTE: The United States Department of Agriculture (USDA) requires school districts receiving federal funding for child nutrition programs to have a written civil rights complaint procedure. This sample contains the language CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

This exhibit does not need to be filed in the Board's policy manual and should be kept by the district in another location, such as the district's nutrition services manual.

Civil Rights Complaint Procedure for School Nutrition Program

In accordance with the United States Department of Agriculture (USDA) civil rights regulations and policies, the district is prohibited from discriminating on the basis of race, color, national origin, sex, age or disability in any school nutrition program.

A participant in the district's school nutrition program who alleges discrimination on the basis of any of the above-listed federally-protected classes has the right to file a complaint within 180 days of the alleged discrimination, in accordance with this procedure.

Filing a complaint

If an individual has an unlawful discrimination complaint concerning his or her participation in a school nutrition program, the complaint may be directed to *Superintendent, 56729 E. Colorado Ave., Strasburg, CO 80136; email: mjohnson@strasburg31j.com; 303-622-9211.*

Complaints may be made verbally (in person or over the phone) or may be submitted in writing to the district contact listed above. Complaints may be filed anonymously.

When filing a complaint, the following information will be requested:

1. complainant's name, address and telephone number (unless the complainant wishes to remain anonymous);
2. the nature of the incident or action that led the complainant to feel discrimination was a factor;
3. the basis on which the complainant believes discrimination exists;
4. the names, telephone numbers, titles and business or personal addresses of persons who may have knowledge of the alleged discriminatory action; and
5. the date(s) during which the alleged discriminatory action(s) occurred.

Forwarding a complaint

Upon ~~Within 90 days of~~ the district's receipt of the complaint, the district shall forward the complaint **as soon as possible but no later than five business days** to the following **agency**:

[Insert at least ONE of the following agencies as the agency to which complaints will be forwarded.]

CDE Office of School Nutrition
1580 Logan Street Suite 760
Denver, CO 80205

USDA Office of Civil Rights
1400 Independence Ave., SW, Rm 1095-S, Stop 0206
Washington, DC 20250
(or emailed to program.intake@usda.gov)

USDA Mountain Plains Regional Office
1244 Speer Blvd Suite 903
Denver, CO 80204

FNS Office of Civil Rights
3101 Park Center Dr., Suite 1200
Alexandria, VA 22302

The designated agency shall then conduct the complaint review and investigation within the required timeline (90 days).

Issued: 08-09-2017

LEGAL REF.: USDA Food and Nutrition Service (FNS) Instruction 113-1 (*civil rights compliance and enforcement – nutrition programs and activities*)

<p><i>NOTE: The USDA has a program complaint form available on its website or at any USDA office. To request a copy of the complaint form, call 866-632-9992.</i></p>

Revised Sample Policy

File: GBGA

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Health

(And ~~Medical Physical and Mental Health Examination Requirements~~)

Through its overall safety program and various policies pertaining to school personnel, the Board shall seek to ensure the safety of employees during working hours and assist them in the maintenance of good health. It shall encourage all its employees to maintain good health and practice good health habits.

Under the following circumstances, the Board may require **medical physical** examinations of its employees or applicants for employment. The district shall pay for all such **medical physical** examinations. Results of such ~~physical~~ examinations shall be maintained in separate medical files and not in the employee's personnel file and may be released only in limited circumstances.

Routine medical physical examinations

Subsequent to a conditional offer of employment and prior to commencement of work, the district may require an applicant to have a medical examination and to meet any other health requirements that may be imposed by the state. The district may condition an offer of employment on the results of such examination if all entering employees in the applicable job category are subject to such examination. A 30-day grace period may be allowed if approved by ~~the district personnel services~~.

School transportation vehicle operators ~~All bus drivers, including full-time, part-time or temporary,~~ shall be required to have a **medical physical** examination once every two years **in accordance with applicable state and federal law.** ~~to obtain or renew an operator's permit.~~

Special examinations

The Board recognizes that an individual's medical diagnosis is privileged information between the patient and medical professionals. However, whenever a staff member's medical condition is such that it interferes with the ability to perform required duties or there is an unacceptable risk to the health and safety of the employee or others, the district shall take necessary steps to evaluate the employee's condition and make appropriate employment decisions.

The Board may request physical examinations and/or mental health examinations of any employee at any time to determine if the employee has a physical and/or mental condition, disease or illness which may interfere with the employee's ability to perform required duties or which may pose an unacceptable risk to the health, safety or welfare of the employee or others. The school district shall select the medical professional to conduct such examination and shall pay the costs associated with such examination.

When the employee cannot perform the essential functions of the job with reasonable accommodation, or medical evidence establishes that the employee's condition poses a significant risk to the health, safety or welfare of the employee or others, the school district may suspend and/or terminate the employee in accordance with applicable policies and regulations and applicable law.

Readily-transmitted communicable diseases

An employee with an acute, common communicable disease shall not report to work during the period of time when contagious/infectious. The district reserves the right to require a physician's statement prior to the employee's return to work.

An employee diagnosed with a serious, readily-transmissible disease or condition shall be encouraged to report the existence of the condition or illness in case there are precautions that must be taken to protect the health of others.

HIV infection

~~Any employee who becomes aware of personal infection with the human immunodeficiency virus (HIV), which although life-threatening poses little risk of transmission in a school setting, is encouraged to report to a designated school administrator the diagnosis of HIV. The administrator shall follow the procedures accompanying this policy to evaluate the employment status of the staff member.~~

~~To encourage disclosure, the school district shall endeavor to treat these employees in a fair, nondiscriminatory and confidential manner consistent with the district's legal obligations. Federal and state law mandate, pursuant to provisions protecting persons with disabilities that such employees shall not be discriminated against on the basis of their disabilities and that reasonable accommodations shall be made to enable qualified individuals with disabilities to continue working.~~

Confidentiality

In all instances, district personnel shall respect the individual's right to privacy and treat any information regarding the medical condition or medical history of an employee or applicant as confidential information. The superintendent shall develop procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures.

Adopted: 2006

LEGAL REFS.: 29 U.S.C. 794 (1983) (*Section 504 of the Rehabilitation Act*)
42 U.S.C. 12101 *et seq.* (*Americans with Disabilities Act*)

49 C.F.R. 391.43 (medical examination requirements for commercial driver's license holders)

C.R.S. 8-2-118 (employer must bear cost of medical exam)

C.R.S. 22-32-110 (1)(k) (board's power to adopt policy related to safety, conduct and welfare of employees)

C.R.S. 22-63-301 (grounds for teacher dismissal)

C.R.S. 24-34-401 et seq. (discriminatory or unfair employment practices)

C.R.S. 25-4-101 et seq. (disease control and sanitary regulations)

1 CCR 301-26, Rules 4204-R-~~5.00 201~~ (regulations regarding operation of school transportation vehicles; ~~medical requirement of physical exam requirements every two years~~)

CROSS REFS.: EBBA, Prevention of Disease/Infection Transmission (Handling Body Fluids)
GBA, Open Hiring/Equal Employment Opportunity
GBGG, Staff Sick Leave
GBJ, Personnel Records and Files
GCQF, Discipline, Suspension and Dismissal of Professional Staff (And Contract Nonrenewal)
GDQD, Discipline, Suspension and Dismissal of Support Staff

Revised Sample Regulation

File: GBGA-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Health

~~(Staff Members with HIV/AIDS/Communicable Diseases)~~

The following procedures shall be followed ~~when evaluating the employment status of an employee infected with human immunodeficiency virus (HIV) including those staff members diagnosed as having Acquired Immune Deficiency Syndrome (AIDS) and those suspected of being infected with HIV. These procedures shall also apply whenever a school official has reasonable cause to suspect that a staff member is seriously ill and the illness is affecting the employee's ability to perform job responsibilities or poses an unacceptable risk to the health and safety of the employee or others. Reasonable cause may exist in but not be limited to situations where the employee's health is observed to be deteriorating to the point of interfering with the performance of duties, when the employee displays persistent physical symptoms of illness, or where there is similar reasonable evidence of such~~ **illness** disease.

Reporting suspected or confirmed cases

The Superintendent will be the staff member responsible for coordinating the school district's effort to evaluate the employment status of an employee in accordance with these procedures. For purposes of these procedures, the Superintendent shall be referred to as the "school officer."

It is improper for any employee, with knowledge or reasonable grounds to suspect that he/she is infected with a communicable disease, to willfully expose or infect another with such disease, or to knowingly perform an act or engage in conduct which exposes or infects another person with such disease.

Any staff member infected with HIV is encouraged to report this fact directly to the school officer.

If a supervisor has been informed or has reasonable cause to believe that an employee has an illness which is interfering with job performance or posing an unacceptable health risk to the employee or others, the supervisor shall notify the school officer **as soon as possible** ~~immediately~~. The school officer shall confer individually with the supervisor and the staff member to assess the situation.

Evaluation of employment status

~~HIV infection is not transmitted casually; therefore, it is not itself a reason to remove a staff member from school. The school officer will determine whether the person who is infected with HIV has a secondary infection such as active tuberculosis that constitutes a recognized risk of transmission in the school setting. This is a medical question which the school officer will answer by consulting with the infected person's physician, a qualified public health official who is responsible for such determinations, and the infected person.~~

~~In determining an appropriate response, the district shall consider the most current and reliable medical information available, with particular reference to the dangers of increased risk of transmission to others, and the health risk to the employee as well as the expected type of interaction with others.~~

~~If there is no secondary infection that constitutes a medically recognized risk of transmission in the school setting, the infected person's job assignment will not be altered unless a reassignment is requested as a reasonable accommodation.~~

~~If there is a secondary infection that constitutes a medically recognized risk of transmission in the school setting, the school officer will consult with the physician, public health official and the infected person. If necessary, they will develop an individually tailored plan for the staff member. Additional persons may be consulted if this is essential for gaining additional information, but the infected staff member must approve of the notification of any additional persons who would know the staff member's identity. Utmost confidentiality will be observed throughout this process.~~

~~When an employee is determined to be unfit for continued duty because it has been determined that the employee is incapable of performing the essential functions of the position or poses a direct threat to the health or safety of himself/herself or others, the employee will be entitled to use any accumulated sick leave in accordance with Board policies.~~

~~When an employee has exhausted all sick leave and other applicable leave options and is deemed unfit to resume duties, employment may be terminated through the employee's resignation, retirement or dismissal in accordance with applicable Board policies and applicable law.~~

~~The school official will review the case periodically with the infected person and the medical advisors described above.~~

Confidentiality

~~All information gained by the district through the application of the accompanying policy and these procedures, including the identity of an employee infected with HIV, shall be treated as confidential. Information will be disclosed only as appropriate in connection with these procedures.~~

~~Persons who may know the identity of a staff member infected with HIV are those who with the infected person will determine whether the person has a secondary infection that constitutes a medically recognized risk of transmission in the school setting. They are the school officer, the personal physician of the infected person~~

~~and a public health official who may be able to study the facts of the case sufficiently without needing to know the identity of the staff member to make a decision.~~

~~The decisionmakers listed above and the infected person will determine whether additional persons such as the school nurse or principal need to know that an infected person works at a specific school. The additional persons will not know the name of the infected person without this person's consent.~~

~~All persons shall treat all medical information as highly confidential. No information will be divulged directly or indirectly to any other individuals or groups. All medical information and written documentation of discussions, telephone conversations, proceedings and meetings will be kept by the school officer in a locked file. Access to this file will be granted only to those persons who have the written consent of the infected staff member.~~

~~To further protect confidentiality, names will not be used in documents except when essential. Any document containing the name or any other information that would reveal the identity of the infected person will not be shared with any person, not even for the purposes of word processing or reproduction.~~

Adopted: 2006

Revised Sample Policy

File: GBGB

NOTE: Colorado school districts are required by law to adopt a policy on this subject and the law contains some specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Personal Security and Safety

Offenses against school employees

The following procedures shall be followed in instances of assault, disorderly conduct, harassment, knowingly false allegation of child abuse, or any alleged offense under the "Colorado Criminal Code" by a student directed towards a teacher or school employee.

These same procedures shall be followed in instances of damage by a student to the personal property of a teacher or school employee occurring on school district premises.

1. The teacher or employee shall file a written complaint with the building principal, the superintendent's office and the Board of Education.
2. The principal **shall**, after receipt ~~both of the complaint and adequate proof~~ **deemed adequate by the principal**, ~~of the charges, shall suspend the~~ student for three days in accordance with established procedures.
3. The superintendent shall initiate procedures for the further suspension or expulsion of the student when injury or property damage has occurred.
4. The superintendent or designee shall report the incident to the district attorney or the appropriate local law enforcement agency or officer who shall **be requested, upon receiving the report, to then** investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.
5. ~~A copy of this policy shall be distributed to each student and posted in each school building.~~

Communication of disciplinary information to teachers/counselors

The principal or designee shall communicate discipline information concerning any student enrolled in the district to all teachers and counselors who have direct contact with that student. Any teacher or counselor who is assigned a student with known serious behavior problems will be informed of the student's behavior record. Any school employee who is provided this information shall maintain its confidentiality and shall not communicate it to any other person.

Adopted: 2006

Revised: 01-13-2016

LEGAL REFS.: C.R.S. 22-32-109.1 (3) *(policy regarding offenses against school employees required as part of safe schools plan)*
C.R.S. 22-32-109.1 (9) *(immunity provisions in safe schools law)*
C.R.S. 22-32-126 (5)(a) *(communication of disciplinary information)*

CROSS REFS.: ECAC, Vandalism
JK, Student Discipline
JKD/JKE, Suspension/Expulsion of Students

Revised Sample Policy

File: GBGE

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Maternity/Paternity/Parental Leave

Maternity leave

~~Pursuant to the employee's request, m~~Medically necessary sick leave for maternity purposes shall be available to any female employee who becomes pregnant. The leave will be allowed during such period of the pregnancy and a reasonable time immediately following termination of the pregnancy as is medically necessary to safeguard the health of the mother and/or child.

1. Determination of Necessity

The determination and designation of the period of time during which maternity leave is necessary, ~~may be initiated by either the employee or the district.~~ **Final determination of such period** including the beginning, duration and end of the period, shall be made by the district. ~~Such determination shall be based on information provided by the employee, the employee's physician, the administration and if deemed necessary, by a physician designated by the district Board of Education.~~

2. Reinstatement

An employee who has taken leave in accordance with this policy shall be assured reinstatement ~~at the beginning of the first semester~~ following the end of the period of time during which leave is necessary. ~~However, any leave granted shall in no way affect the powers or duties of the Board including but not limited to the nonrenewal of a contract of a probationary teacher.~~

3. Notice

An employee who becomes pregnant shall be encouraged to notify the **district superintendent or designee** regarding the pregnancy well in advance of the expected leave so that the district may make appropriate staffing decisions. When an employee is no longer pregnant, she shall notify the **district superintendent or designee** of this fact.

4. Benefits

An employee on maternity leave for medical necessity as determined by the employee's or the ~~district's Board's~~ **designated** physician shall receive pay, insurance and other benefits to the same extent and on the same basis as sick leave used for other purposes. Any additional leave granted by the ~~district Board~~ **district** for maternity purposes beyond that which is medically necessary shall be without pay or other benefits unless the provisions of the federally-mandated family leave policy apply.

Parental leave

The provisions of this section shall apply only after an eligible employee has used any applicable federally-mandated family leave. Any days taken for family leave will be deducted from the total leave period allowed under this policy.

Parental leave of absence without salary and fringe benefits may be granted to staff members for the purpose of child rearing, child care or adoption. Parental leave may be granted for a period of time not to exceed 6 weeks for each employee. The leave need not be taken all at once, but must be taken in increments which coincide with the planning needs of the district.

In determining whether to grant the leave request, the district will consider any special needs of the child, the staffing needs of the district and any other relevant factors. The district will grant parental leave without regard to the sex of the employee.

The request for leave will be made to the district's personnel office. If the parental leave request is refused by the personnel office, the staff member may appeal to the Board of Education.

If the leave period is for an entire school year, notice of intent to return from leave must be given to the personnel office before April 1 preceding the school year the employee wishes to return to work. If the leave is for a period less than an entire school year, notice of intent to return shall be given at least three months prior to the date the employee wishes to return to work. Upon return from parental leave, the employee shall be reinstated on the salary schedule at the column and step he or she was on when granted leave.

As long as proper notice has been given of the employee's intent to return to work, the district shall reinstate the employee and place him or her on the salary schedule at the appropriate level. A teacher being reinstated shall be placed in a teaching position as nearly identical as possible to the position left at the commencement of the leave. In no event shall a teacher be placed in a position for which he or she is not qualified or licensed.

The employee on parental leave may be permitted to substitute in the school district at the district-approved substitute rate of pay.

Nothing in this policy shall be construed to limit the powers or duties of the Board or administration to make employment decisions for the district including but not limited to nonrenewing a contract of a probationary teacher.

Adopted: 2006

Revised: 11/06/2016

LEGAL REFS.: 29 U.S.C. 2601 *et seq.* (Family and Medical Leave Act of 1993)
42 U.S.C. 2000e-2 (Title VII of the Civil Rights Act of 1964)
C.R.S. 19-5-211 (adoption statute)
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions)

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
GBA, Open Hiring/Equal Employment Opportunity

NOTE 1: Federal law requires that there be no discrimination based on pregnancy or maternity in any district policy, including sick leave.

NOTE 2: The FMLA applies to all educational institutions, including school districts. However, an employee is only eligible for family and medical leave if he or she is employed at a worksite where at least 50 employees are employed within 75 miles.

NOTE 3: State law requires the provision of "reasonable accommodations" to employees and applicants for employment for any "health conditions related to pregnancy or the physical recovery from childbirth." C.R.S. 24-34-402.3 (1)(a)(I). State law prohibits the district from requiring a female employee to take leave if the employee has not requested such leave or if the district can provide another reasonable accommodation for the employee's pregnancy, physical recovery from childbirth or related condition. C.R.S. 24-34-402.3 (1)(a)(IV), (V).

Revised Sample Policy

File: GBK

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, CASB believes this sample contains the content/language that reflects "best practices." However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Concerns/Complaints/Grievances

It is the Board's desire that procedures for settling differences provide for prompt and equitable resolution at the lowest possible administrative level and that each employee be assured an opportunity for orderly presentation and review of complaints without fear of reprisal.

A "grievance" is defined as an alleged material violation of Board of Education policies or administrative regulations that apply to all employees. **A complaint concerning unlawful discrimination and/or harassment may be filed in accordance with the district's applicable procedures.**

The process designated for the resolution of "grievances" in agreements between the Board and recognized employee organizations shall apply only to grievances as defined in the particular agreement.

Nothing in this policy shall be construed to imply in any manner the establishment of personal rights not explicitly established by statute or Board policy. Neither shall anything in this policy be construed to establish any condition prerequisite relative to nonrenewal of contracts, transfer, assignment, dismissal or any other employment decision relating to **district school** personnel.

All employment decisions remain within the sole and continuing discretion of the administration and/or Board of Education, as appropriate, subject only to the conditions and limitations prescribed by Colorado law.

Adopted: 2006

Revised: 05/07/2018

CONTRACT REF.: _____ Agreement, Article _____, Grievance Procedure

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
AC-R, Nondiscrimination/Equal Opportunity (Complaint and Compliance Process) – Regulation
GBA, Open Hiring/Equal Employment Opportunity
GBAA, Sexual Harassment

NOTE: Procedures for filing and resolving grievances (if these have not been established through negotiations) would follow under code GBK-R. A negotiated grievance procedure might (1) simply be referred to, as above, or (2) be extracted and presented as policy, supplementing the policy above. Any policy established through negotiations should be so noted.

Revised Sample Regulation

File: GCE/GCF-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Professional Staff Recruiting/Hiring

Applications of all regular professional personnel to be employed by the district will be processed according to this procedure. Short-term, temporary or interim appointments may be made directly by the superintendent, subject to the approval of the Board of Education, without following the advertising procedure.

1. **Vacancies**

All regular vacancies will be advertised by the department of personnel.

2. **Applications**

All applications will be submitted to the personnel office.

Current employees may apply for supplemental pay positions by submitting a letter outlining their qualifications for the position they are seeking.

All applicants will report to the personnel office and complete an application form.

3. **Initial screening and interview**

The Principal/Department Director will screen applications and conduct the initial interview with all applicants. The objectives of the screening and initial interview process are to:

- a. Determine if a teacher applicant meets applicable licensure requirements under state and federal law.
- b. Determine the suitability of an applicant for a specific position.
- c. Determine those applicants who are most qualified for the position.
- d. Ensure eligible applicants from the district's priority hiring pool, if applicable, receive first opportunity to interview, as required by law.
- e. Discuss with an applicant any district policies and procedures pertinent to the job and to the employment process.

4. Background checks

Prior to hiring and in accordance with state law, the personnel office shall:

- a. Conduct a background check through the Colorado Department of Education (the department) to determine the applicant's fitness for employment.

The department's records shall indicate if the applicant has been convicted of, pled *nolo contendere* to, received a deferred sentence, or had his or her license or authorization denied, annulled, suspended or revoked for a felony or misdemeanor crimes involving unlawful sexual behavior, unlawful behavior involving children or domestic violence. The department shall provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which was supported by a preponderance of evidence according to information provided to the department by a school district and confirmed by the department in accordance with state law. The department shall also provide information regarding whether the applicant's license or certification has ever been denied, suspended, revoked or annulled in any state, including but not limited to any information gained as a result of an inquiry to a national teacher information clearinghouse.

Information of this type that is learned from a different source shall be reported by the district to the department.

The department will not disclose any information reported by a school district unless and until the department confirms that the allegation resulted in the person's name being placed on the state central registry of child protection.

- b. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

5. Fingerprinting non-licensed administrators

- a. All non-licensed applicants selected for employment in an administrative position must submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized district employee or any third party approved by the Colorado Bureau of Investigation.
- b. Non-licensed applicants selected for employment must also submit a notarized, completed form, as required by state law, ~~On the form the applicant must~~ **to certify, under penalty of perjury**, either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The form must specify the felony or misdemeanor, the date of conviction and the court entering judgment.

- c. The school district will release the fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation.
- d. Although an applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. In accordance with state law, the employee or applicant shall be terminated or disqualified from district employment if the results disclose a conviction for any of the following offenses:
 - (1) felony child abuse, as described in C.R.S. 18-6-401;
 - (2) a crime of violence, as defined in C.R.S. 18-1.3-406 (2);
 - (3) a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
 - (4) felony domestic violence, as defined in C.R.S. 18-6-800.3;
 - (5) a felony drug offense, as described in C.R.S. 18-18-401 *et seq.*, committed on or after August 25, 2012;
 - (6) felony indecent exposure, as described in C.R.S. 18-7-302;
 - (7) attempt, solicitation or conspiracy to commit any of the offenses described in items 1-6; or
 - (8) an offense committed outside of this state, which if committed in this state would constitute an offense described in items 1-7.

The district will notify the district attorney of inconsistent results for action or possible prosecution.

6. Credit reports

The personnel office will not obtain a credit report on an applicant unless the office has first notified the individual in writing, in a document consisting solely of the notice, that the district would like to obtain a credit report and requesting the individual's written authorization to obtain the report. A credit report will only be requested when the applicant submits a written authorization.

The personnel office will not rely on a credit report in denying an application unless the office has first supplied the applicant with a disclosure that includes a copy of the credit report and a summary of the applicant's rights. If an application for employment is denied because of the credit report, the personnel office will give the applicant notice that the action has been taken, as well as:

- a. the name, address and phone number of the credit bureau supplying the report;

- b. a statement that the credit bureau was not involved in the decision to deny the application; and
- c. a notice of the individual's right to dispute the information in the report.

7. Placement interview

- a. Determine whether the applicant can handle the specific assignment.
- b. Determine the best applicant for the position.
- c. Discuss with the candidate any building or departmental regulations pertinent to the job.

8. Selection

In the selection of *teachers*, the principal and department chairman, team lead, and additional professional staff will interview the qualified applicants. The decision regarding selection will be made by the principal, considering mutual consent placement provisions in law where applicable.

In the selection of *athletic coaches*, the principal and director of athletics will interview the qualified applicants, and the decision regarding selection will be made by the principal, the director of athletics and the personnel director. In the selection of assistant athletic coaches, the head coach of that sport will be involved in the interview process.

In the selection of *department chairpersons*, the principal and director of secondary education will interview the qualified applicants, and the decision regarding selection will be made by the principal, the director of secondary education and the personnel director.

If the department chairman, director of athletics, head coach, personnel director or director of secondary education are not available at a time when a selection must be made, the selection will be made by those applicable persons present under the specific direction of the superintendent.

9. Contract or job offer

Only the personnel office is authorized to offer new or supplemental pay contracts and/or jobs to current employees or applicants.

10. Information report to state

In accordance with federal and state law, the personnel office will report the name, address and social security number of every new employee to Colorado State Directory of New Hires, P.O. Box 2920, Denver, Colorado 80201-2920.

This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, shall be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address, the fact of the termination, and the name and address of the employee's new employer, if known, shall be reported to the applicable court or agency.

Upon receiving a Notice of Wage assignment, the district shall remit the designated payment within seven days of withholding the income according to instructions contained in the Notice. Child support withholding takes priority over other legal actions against the same wages.

Adopted: 2006

Revised: 1-13-2016

*NOTE 1: Regarding the requirement that an applicant submit a ~~notarized~~, completed form ~~about~~ **certifying** his or her criminal history, state law defines "convicted" as: "[A] conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred sentence or suspended sentence by the court." C.R.S. 22-32-109.8 (8)(a). Any district form used to certify a nonlicensed applicant's criminal history should reflect this broad definition of "convicted" to ensure that a nonlicensed applicant discloses the legally required information.*

NOTE 2: When the Colorado Bureau of Investigation (CBI) provides an update to the Colorado Department of Education (CDE) regarding those school employees previously subject to a fingerprint-based background check, CDE must provide that update to school districts. Each school district must then cross-check its employee list with the update and take appropriate action if necessary. C.R.S. 22-2-119 (4)(b).

NOTE 3: An employee who is terminated or an applicant who is disqualified from district employment for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment. Other exceptions to this provision allow the district to conduct an assessment to determine if the applicant poses a risk to district students or staff, and also allow the applicant to submit a written request for reconsideration by the district. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the district must consider. Id.

NOTE 4: Federal law requires school districts to notify individuals fingerprinted that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI). Districts must also notify fingerprinted applicants about the opportunity to challenge the accuracy of the information contained in the FBI identification record and the procedure to obtain a change, correction or update of an FBI identification record. 28 C.F.R. 50.12 (b). Districts must retain documentation that this notification was provided. For sample notification and acknowledgement forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://www.colorado.gov/pacific/cbi/identification-unit>.

NOTE: Colorado school districts are required by law to adopt a policy regarding the assignment of displaced teachers and the law contains some specific direction as to the content or language. The policy must be developed in coordination with the local teachers' association. If no teachers' association exists, the district must create an eight-person committee consisting of four teachers and four additional school district members to develop policy for the Board's consideration. The Board should consider the recommendations. The Board retains ultimate authority regarding policy content.

Teacher Displacement

Consistent with the Board's authority to direct the district's educational programs, the Board may take action pursuant to a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building, including closure, consolidation or reconstitution. Displacement occurs when such Board action results in the removal of a nonprobationary teacher from the teacher's assigned school. This policy and accompanying regulation shall apply to the designation and reassignment of a displaced teacher.

This policy and accompanying regulation shall not apply to teacher dismissals, nonrenewals, reductions in force or other personnel actions that do not result in displacement of teachers.

Definitions

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

1. "Teacher" means a person who holds a teacher's license issued pursuant to the Colorado Educator Licensing Act, C.R.S. [22-60.5-101](#) et seq. and who is employed to instruct, direct or supervise the instructional program. "Teacher" does not include those persons holding authorizations or administrative positions within the school district.
2. "Displaced teacher" means any nonprobationary teacher who is removed from the teacher's assigned school as a result of Board action pursuant to a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building, including closure, consolidation or reconstitution.
3. "Mutual consent placement" occurs when a displaced teacher applies for a position under the supervision of another principal and the hiring principal consents. The hiring principal's consent must consider input from

at least two teachers employed at the school and chosen by the teaching faculty at the school to represent them in the hiring process.

4. "Priority hiring pool" is a subgroup of displaced teachers who were actively employed and deemed satisfactory or effective in their performance evaluation preceding their displacement and who have not secured a mutual consent placement. Teachers in the priority hiring pool shall receive the first opportunity to interview for available positions for which they are qualified within the district.

5. "Hiring cycle" means the period of time during which the Board reviews the staffing needs of the district and acts to fill vacant positions, if any. The Board engages in two hiring cycles each calendar year: first, when the Board projects and fills staffing needs for the next school year (between approximately March and the day before the opening day of the next school year); and, second, as the Board reviews its current staffing and makes adjustments as necessary during the current school year (from the first day of school through the last day of the current school year).

6. "Transfer" means the reassignment of a teacher from one school, position or grade level to another in the district. Transfers that do not result from displacement will be addressed in accordance with the Board's transfer policy ([GCKA](#)).

Board of Education's determination and statement

If the Board determines a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building necessitates action that may require the displacement of one or more teachers, it shall adopt a statement that reasonably identifies the action and the reasons for that action. This statement shall be transmitted to the superintendent and made available to district faculty.

To the extent possible, the Board shall establish the actual number of teacher positions to be displaced consistent with the Board's authority to establish educational programs within the district. If it is not possible at the time the Board issues its initial statement for the Board to address personnel implications, the Board shall issue a revised statement of action after receiving additional input from the superintendent.

Superintendent's action

After receiving the Board's statement, the superintendent shall prepare recommendations for appropriate personnel action, which may include teacher displacement, consistent with Board policy and state and federal law. As necessary and appropriate, the superintendent shall submit to the Board such recommendations and the Board may revise as necessary its statement of action.

The superintendent shall cause written notice of displacement to be provided to all displaced teachers. Notice shall be in writing and delivered via certified mail to a displaced teacher's address of record. The superintendent shall immediately cause a displaced teacher to receive an initial list of all vacant positions for which the teacher is qualified, as well as a list of vacancies in any area identified by the school district to be an area of critical need.

Mutual consent placement

Displaced teachers shall have the right to pursue a mutual consent placement in the district. Any displaced teacher remains solely responsible for identifying available positions within the district and pursuing any and all vacancies for which the teacher is qualified. Displaced teachers who were deemed satisfactory or effective in their performance evaluation preceding their displacement shall be members of a priority hiring pool.

During the period in which the teacher is attempting to secure a mutual consent placement, the district may place a displaced teacher in a 12-month assignment or other limited-term assignments, including, but not limited to, a teaching assignment, substitute assignment or instructional support role. Such assignment by the district is not a mutual consent placement.

If a displaced teacher is unable to secure a mutual consent placement in a school of the district after 12 months or two hiring cycles, whichever period is longer, the district shall place the displaced teacher on unpaid leave until such time as the displaced teacher is able to secure an assignment.

Adopted:2006

LEGAL REFS.: C.R.S. [22-60.5-101](#) et seq. (Colorado Educator Licensing Act of 1991)

C.R.S. [22-63-101](#) et seq. (Teacher Employment, Compensation, and Dismissal Act of 1990)

C.R.S. [22-63-202](#) (2)(c.5) (displacement and mutual consent provisions)

C.R.S. [22-63-202](#) (2)(c.5)(II)(B) (requirement to develop policies for Board adoption addressing displacement and mutual consent provisions)

C.R.S. [22-63-206](#) (permitting transfer of teachers from one school, position or grade level to another)

CROSS REFS.: [GCE/GCF](#), Professional Staff Recruiting/Hiring

[GCKA](#), Instructional Staff Assignments and Transfers

[GCKB](#), Administrative Staff Assignments and Transfers

COLORADO SAMPLE POLICY 2012©

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, CASB believes this sample contains the content/language that reflects "best practices." However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Teacher Displacement

The following procedures shall be followed in effecting a Board action pursuant to a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building, including closure, consolidation or reconstitution that causes nonprobationary teachers to be displaced.

1. Notice to individual teacher

Within a reasonable time after receiving the Board's statement of action that includes personnel implications, the superintendent shall cause written notice of displacement to be provided to all displaced teachers.

The written notice shall include:

- a. a copy of the Board's statement adopted pursuant to the accompanying policy;
- b. a copy of the accompanying policy and this regulation; and
- c. a list of all vacant positions for which the displaced teacher is qualified, as well as a list of vacancies in any area identified by the school district to be an area of critical need.

Notice shall be served upon the teacher personally or by certified or registered mail to the teacher's address as it appears in the school district's records. It shall be the teacher's responsibility to ensure that the district has the teacher's current address on file.

2. Applications and priority hiring pool

Displaced teachers shall be responsible for applying, consistent with the district's hiring procedures and practices, for any vacant position for which the teacher is qualified. At a minimum, the displaced teacher must apply to the principal of the school and provide a copy of the application to the district.

The district shall create a priority hiring pool, which shall consist of displaced teachers who were deemed satisfactory or effective in their performance evaluation preceding their displacement. Upon application, members of the priority hiring pool shall receive

the first opportunity to interview for available positions for which they are qualified within the district.

3. Mutual consent placement

A principal shall recommend appointment of a displaced teacher to an assignment in the principal's school if the review of the displaced teacher's performance evaluations and qualifications demonstrates that employment of the displaced teacher will support the instructional practice of the school. The principal's recommendation shall also include input from at least two teachers employed at the school and chosen by the faculty of teachers at the school to represent them in the hiring process.

If the Board approves the principal's recommendation of a displaced teacher to a vacant position, the Board shall transfer the teacher into the assignment sought and the displacement/mutual consent provisions of law are satisfied. At that time, the Board shall reinstate the teacher's salary and benefits at the level they would have been if the teacher had not been placed on unpaid leave, if applicable.

Consistent with Board policy, nothing in this regulation shall be construed to require a principal to hire a displaced teacher.

4. Exclusive procedure

This procedure is the only procedure that shall apply to the designation and reassignment of a displaced teacher.

Approval Date:

Revised Sample Regulation

File: GCQC/GCQD-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Resignation of Instructional Staff/Administrative Staff (Mandatory Reporting Requirements)

The following procedures apply to the reporting of allegations against or offenses committed by licensed personnel who resign from the district.

Mandatory reporting requirements – unlawful behavior involving a child

If an employee resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent shall notify the Colorado Department of Education (CDE) as soon as possible but no later than 10 business days after the employee's resignation. The superintendent shall provide any information requested by the department concerning the circumstances of the resignation. The district also shall notify the employee that information concerning the resignation is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the district learns that a current or past employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent shall notify CDE.

Mandatory reporting requirements – other offenses

In addition and in accordance with applicable State Board of Education rules, the superintendent shall immediately notify CDE whenever acceptance of resignation concerning a licensed employee is based upon the employee's conviction, guilty plea, plea of *nolo contendere*, or deferred sentence for any of the following offenses:

- a. felony child abuse, as specified in C.R.S. 18-6-401;
- b. felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- c. a felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- d. a crime of violence, as defined in C.R.S. 18-1.3-406;
- e. indecent exposure, as described in C.R.S. 18-7-302;

- f. contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;
- g. felony domestic violence, as defined in C.R.S. 18-6-800.3;
- h. misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;
- i. misdemeanor sexual assault, as described in C.R.S. 18-3-402;
- j. misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;
- k. misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;
- l. misdemeanor child abuse, as described in C.R.S. 18-6-401;
- m. misdemeanor involving the illegal sale of controlled substances;
- n. physical assault;
- o. battery;
- p. a drug-related offense; ~~or~~
- q. an offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above; ~~or~~
- r. a misdemeanor committed outside of this state, the elements of which are substantially similar to sexual exploitation of children as described in C.R.S. 18-6-403 (3)(b.5).**

The superintendent shall also immediately notify CDE when the district learns:

- a. the resigning employee has forfeited any bail, bond or other security deposited to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or
- b. the resigning employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The superintendent shall also notify CDE when:

- a. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the school employee is the suspected perpetrator and was acting in an official capacity as an employee of the district.
- b. The Board reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Adopted: 2006

Revised Sample Regulation

File: GCQF-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Discipline, Suspension and Dismissal of Professional Staff (Mandatory Reporting Requirements)

The following procedures apply to the reporting of allegations against or offenses committed by licensed personnel who face a dismissal action or are dismissed by the district.

Mandatory reporting requirements – unlawful behavior involving a child

If an employee is dismissed as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence, the superintendent shall notify the Colorado Department of Education (CDE) as soon as possible but no later than 10 business days after the employee's dismissal. The superintendent shall provide any information requested by the department concerning the circumstances of the dismissal. The district also shall notify the employee that information concerning the dismissal is being forwarded to CDE unless such notice would conflict with the confidentiality requirements of the Child Protection Act.

If the district learns that a current or past employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent shall notify CDE.

Mandatory reporting requirements – other offenses

In addition and in accordance with applicable State Board of Education rules, the superintendent shall immediately notify CDE when a dismissal action concerning a licensed employee is based upon the employee's conviction, guilty plea, plea of *nolo contendere*, or deferred sentence for any of the following offenses:

- a. felony child abuse, as specified in C.R.S. 18-6-401;
- b. felony unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- c. a felony offense involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
- d. a crime of violence, as defined in C.R.S. 18-1.3-406;

- e. indecent exposure, as described in C.R.S. 18-7-302;
- f. contributing to the delinquency of a minor, as described in C.R.S. 18-6-701;
- g. felony domestic violence, as defined in C.R.S. 18-6-800.3;
- h. misdemeanor domestic violence, as described in C.R.S. 18-6-800.3 (1) and such conviction is a second or subsequent conviction for the same offense;
- i. misdemeanor sexual assault, as described in C.R.S. 18-3-402;
- j. misdemeanor unlawful sexual conduct, as described in C.R.S. 18-3-404;
- k. misdemeanor sexual assault on a client by a psychotherapist, as described in C.R.S. 18-3-405.5;
- l. misdemeanor child abuse, as described in C.R.S. 18-6-401;
- m. misdemeanor involving the illegal sale of controlled substances;
- n. physical assault;
- o. battery;
- p. a drug-related offense; ~~or~~
- q. an offense committed outside of this state, the elements of which are substantially similar to any offense described in items a-m above; ~~or~~
- r. a misdemeanor committed outside of this state, the elements of which are substantially similar to sexual exploitation of children as described in C.R.S. 18-6-403 (3)(b.5).**

The superintendent shall also immediately notify CDE when the district learns:

- a. the employee has forfeited any bail, bond or other security deposited to secure the employee's appearance and the employee is charged with having committed a felony or misdemeanor for any offense described in items a-m above; or
- b. the employee has paid a fine or received a suspended sentence for any offense described in items a-m above.

The superintendent shall also notify CDE when:

- a. The county department of social services or the local law enforcement agency reasonably believes that an incident of child abuse or neglect has occurred and the school employee is the suspected perpetrator and was acting in an official capacity as an employee of the district.
- b. The Board reasonably believes that an employee is guilty of unethical behavior or professional incompetence.

Adopted: 2006

Revised Sample Policy

File: GDE/GDF

NOTE: Colorado school boards are required by law to adopt a policy that requires screening of new and current employees for criminal activities. The screening provisions have been included in this sample policy. However, the board should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Support Staff Recruiting/Hiring

The Board shall establish and budget for classified positions in the school district on the basis of need and the financial resources of the district.

Recruiting

The recruitment and selection of candidates for these positions shall be the responsibility of the superintendent or designee who shall confer with principals and other supervisory personnel in making a selection.

All vacancies shall be made known to the present staff. Anyone qualified for a position may submit an application.

Background checks

Prior to hiring any person, in accordance with state law the district shall conduct background checks with the Colorado Department of Education and previous employers regarding the applicant's fitness for employment. In all cases where credit information or reports are used in the hiring process the district shall comply with the Fair Credit Reporting Act and applicable state law.

All applicants recommended for a position in the district shall submit a set of fingerprints and ~~a notarized form with~~ information about felony or misdemeanor convictions as required by law. (This requirement shall not apply to any student currently enrolled in the district applying for a job.) Applicants may be conditionally employed prior to receiving the fingerprint results.

Hiring

There shall be no discrimination in the hiring process on the basis of race, color, creed, sex, sexual orientation (which includes transgender), religion, national origin, ancestry, age, genetic information, marital status, disability or conditions related to pregnancy or childbirth.

The Board shall officially appoint all employees upon the superintendent's recommendation; however, temporary appointments may be made pending Board action.

Upon the hiring of any employee, information required by federal and state child support laws will be timely forwarded by the district to the appropriate state agency.

Adopted: 2006
Revised 01-13-2016
03-14-2018

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
42 U.S.C. 2000ff *et seq.* (Genetic Information Nondiscrimination Act of 2008)
28 C.F.R. 50.12 (b) (notification requirements regarding fingerprints)
C.R.S. 2-4-401 (13.5) (definition of sexual orientation, which includes transgender)
C.R.S. 8-2-126 (limits employers' use of consumer credit information)
C.R.S. 13-80-103.9 (liability for failure to perform an education employment required background check)
C.R.S. 14-14-111.5 (Child Support Enforcement procedures)
C.R.S. 22-2-119 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.8 (fingerprinting requirements for non-licensed positions)
C.R.S. 24-5-101 (effect of criminal conviction on employment)
C.R.S. 24-34-301 (7) (definition of sexual orientation, which includes transgender)
C.R.S. 24-34-402 (1) (discriminatory and unfair employment practices)
C.R.S. 24-34-402.3 (discrimination based on pregnancy, childbirth or related conditions; notice of right to be free from such discrimination must be posted "in a conspicuous place" accessible to employees)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity
GDA, Support Staff Positions

NOTE 1: Specific procedures for background checks, fingerprinting and submission of child support information need to follow as a regulation. The regulation might also include specific procedures for making applications, for screening and for selection of candidates to be recommended to the Board.

NOTE 2: Federal law requires school districts to notify individuals fingerprinted that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI). Districts must also notify fingerprinted applicants about the opportunity to challenge the accuracy of the information contained in the FBI identification record and the procedure to obtain a change, correction or update of an FBI identification record. 28 C.F.R. 50.12 (b). Districts must retain documentation that this notification was provided. For sample notification and acknowledgement forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://www.colorado.gov/pacific/cbi/identification-unit>.

Revised Sample Regulation

File: GCE/GCF-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Professional Staff Recruiting/Hiring

Applications of all regular professional personnel to be employed by the district will be processed according to this procedure. Short-term, temporary or interim appointments may be made directly by the superintendent, subject to the approval of the Board of Education, without following the advertising procedure.

1. **Vacancies**

All regular vacancies will be advertised by the department of personnel.

2. **Applications**

All applications will be submitted to the personnel office.

Current employees may apply for supplemental pay positions by submitting a letter outlining their qualifications for the position they are seeking.

All applicants will report to the personnel office and complete an application form.

3. **Initial screening and interview**

The Principal/Department Director will screen applications and conduct the initial interview with all applicants. The objectives of the screening and initial interview process are to:

- a. Determine if a teacher applicant meets applicable licensure requirements under state and federal law.
- b. Determine the suitability of an applicant for a specific position.
- c. Determine those applicants who are most qualified for the position.
- d. Ensure eligible applicants from the district's priority hiring pool, if applicable, receive first opportunity to interview, as required by law.
- e. Discuss with an applicant any district policies and procedures pertinent to the job and to the employment process.

4. Background checks

Prior to hiring and in accordance with state law, the personnel office shall:

- a. Conduct a background check through the Colorado Department of Education (the department) to determine the applicant's fitness for employment.

The department's records shall indicate if the applicant has been convicted of, pled *nolo contendere* to, received a deferred sentence, or had his or her license or authorization denied, annulled, suspended or revoked for a felony or misdemeanor crimes involving unlawful sexual behavior, unlawful behavior involving children or domestic violence. The department shall provide any available information to indicate whether the applicant has been dismissed by or resigned from a school district as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which was supported by a preponderance of evidence according to information provided to the department by a school district and confirmed by the department in accordance with state law. The department shall also provide information regarding whether the applicant's license or certification has ever been denied, suspended, revoked or annulled in any state, including but not limited to any information gained as a result of an inquiry to a national teacher information clearinghouse.

Information of this type that is learned from a different source shall be reported by the district to the department.

The department will not disclose any information reported by a school district unless and until the department confirms that the allegation resulted in the person's name being placed on the state central registry of child protection.

- b. Contact previous employers of the applicant to obtain information or recommendations relevant to the applicant's fitness for employment.

5. Fingerprinting non-licensed administrators

- a. All non-licensed applicants selected for employment in an administrative position must submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized district employee or any third party approved by the Colorado Bureau of Investigation.
- b. Non-licensed applicants selected for employment must also submit a notarized, completed form, as required by state law, ~~On the form the applicant must~~ **to certify, under penalty of perjury**, either that he or she has never been convicted of a felony or misdemeanor charge, not including any misdemeanor traffic offense, or that he or she has been convicted of a felony or misdemeanor charge (not including any misdemeanor traffic offense). The form must specify the felony or misdemeanor, the date of conviction and the court entering judgment.

- c. The school district will release the fingerprints to the Colorado Bureau of Investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado Bureau of Investigation and the Federal Bureau of Investigation.
- d. Although an applicant may be conditionally employed prior to receiving the results, he or she may be terminated if the results are inconsistent with the information provided on the form. In accordance with state law, the employee or applicant shall be terminated or disqualified from district employment if the results disclose a conviction for any of the following offenses:
 - (1) felony child abuse, as described in C.R.S. 18-6-401;
 - (2) a crime of violence, as defined in C.R.S. 18-1.3-406 (2);
 - (3) a felony involving unlawful sexual behavior, as defined in C.R.S. 16-22-102 (9);
 - (4) felony domestic violence, as defined in C.R.S. 18-6-800.3;
 - (5) a felony drug offense, as described in C.R.S. 18-18-401 *et seq.*, committed on or after August 25, 2012;
 - (6) felony indecent exposure, as described in C.R.S. 18-7-302;
 - (7) attempt, solicitation or conspiracy to commit any of the offenses described in items 1-6; or
 - (8) an offense committed outside of this state, which if committed in this state would constitute an offense described in items 1-7.

The district will notify the district attorney of inconsistent results for action or possible prosecution.

6. Credit reports

The personnel office will not obtain a credit report on an applicant unless the office has first notified the individual in writing, in a document consisting solely of the notice, that the district would like to obtain a credit report and requesting the individual's written authorization to obtain the report. A credit report will only be requested when the applicant submits a written authorization.

The personnel office will not rely on a credit report in denying an application unless the office has first supplied the applicant with a disclosure that includes a copy of the credit report and a summary of the applicant's rights. If an application for employment is denied because of the credit report, the personnel office will give the applicant notice that the action has been taken, as well as:

- a. the name, address and phone number of the credit bureau supplying the report;

- b. a statement that the credit bureau was not involved in the decision to deny the application; and
- c. a notice of the individual's right to dispute the information in the report.

7. Placement interview

- a. Determine whether the applicant can handle the specific assignment.
- b. Determine the best applicant for the position.
- c. Discuss with the candidate any building or departmental regulations pertinent to the job.

8. Selection

In the selection of *teachers*, the principal and department chairman, team lead, and additional professional staff will interview the qualified applicants. The decision regarding selection will be made by the principal, considering mutual consent placement provisions in law where applicable.

In the selection of *athletic coaches*, the principal and director of athletics will interview the qualified applicants, and the decision regarding selection will be made by the principal, the director of athletics and the personnel director. In the selection of assistant athletic coaches, the head coach of that sport will be involved in the interview process.

In the selection of *department chairpersons*, the principal and director of secondary education will interview the qualified applicants, and the decision regarding selection will be made by the principal, the director of secondary education and the personnel director.

If the department chairman, director of athletics, head coach, personnel director or director of secondary education are not available at a time when a selection must be made, the selection will be made by those applicable persons present under the specific direction of the superintendent.

9. Contract or job offer

Only the personnel office is authorized to offer new or supplemental pay contracts and/or jobs to current employees or applicants.

10. Information report to state

In accordance with federal and state law, the personnel office will report the name, address and social security number of every new employee to Colorado State Directory of New Hires, P.O. Box 2920, Denver, Colorado 80201-2920.

This report, due within 20 days of the date of the hire or on the first payroll after the 20 days have expired, shall be submitted even if the employee quits or is terminated before the report is due. Upon termination, the employee's last known address, the fact of the termination, and the name and address of the employee's new employer, if known, shall be reported to the applicable court or agency.

Upon receiving a Notice of Wage assignment, the district shall remit the designated payment within seven days of withholding the income according to instructions contained in the Notice. Child support withholding takes priority over other legal actions against the same wages.

Adopted: 2006

Revised: 1-13-2016

*NOTE 1: Regarding the requirement that an applicant submit a ~~notarized~~, completed form ~~about~~ **certifying** his or her criminal history, state law defines "convicted" as: "[A] conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred sentence or suspended sentence by the court." C.R.S. 22-32-109.8 (8)(a). Any district form used to certify a nonlicensed applicant's criminal history should reflect this broad definition of "convicted" to ensure that a nonlicensed applicant discloses the legally required information.*

NOTE 2: When the Colorado Bureau of Investigation (CBI) provides an update to the Colorado Department of Education (CDE) regarding those school employees previously subject to a fingerprint-based background check, CDE must provide that update to school districts. Each school district must then cross-check its employee list with the update and take appropriate action if necessary. C.R.S. 22-2-119 (4)(b).

NOTE 3: An employee who is terminated or an applicant who is disqualified from district employment for a felony domestic violence and/or a felony drug offense may reapply for district employment after five years have passed since the date the offense was committed. C.R.S. 22-32-109.8 (6.5)(b). For a felony domestic violence offense, the applicant must also show successful completion of any court-ordered treatment. Other exceptions to this provision allow the district to conduct an assessment to determine if the applicant poses a risk to district students or staff, and also allow the applicant to submit a written request for reconsideration by the district. C.R.S. 22-32-109.8 (6.5)(d). The law includes the specific factors the district must consider. Id.

NOTE 4: Federal law requires school districts to notify individuals fingerprinted that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI). Districts must also notify fingerprinted applicants about the opportunity to challenge the accuracy of the information contained in the FBI identification record and the procedure to obtain a change, correction or update of an FBI identification record. 28 C.F.R. 50.12 (b). Districts must retain documentation that this notification was provided. For sample notification and acknowledgement forms that meet these federal requirements, visit the Colorado Bureau of Investigation's website: <https://www.colorado.gov/pacific/cbi/identification-unit>.

Gifted and Talented Education

The Board of Education is dedicated to providing a comprehensive program for the identification and education of the gifted and talented student. Gifted students are those students between the ages of four and 21 whose abilities, talents, and potential for accomplishment are so exceptional or developmentally advanced that they require special provisions to meet their level of potential. The Board believes that students with high intellectual potential and/or exceptional creativity benefit academically, emotionally and socially from participating in programs designed to meet their special needs.

To the extent resources are available for this purpose, the superintendent or designee shall develop and implement programming designed to meet the particular educational needs of gifted students that: The superintendent shall develop a program designed to meet the educational needs of gifted and talented students that:

- Encourages acceleration and enrichment beyond the basic curriculum.
- Offers a differentiated curriculum that includes higher cognitive concepts and processes.
- Uses instructional strategies that accommodate the learning styles of the gifted and talented.
- Fosters the individual growth of each student.
- Supports students in the attainment of the district's academic standards~~state and district academic content standards.~~
- Assists students with pre-collegiate and/or pre-advanced placement programs, and
- Provides guidance support systems, including identifying post-secondary options.

The program shall include early identification of gifted and talented students and ongoing professional development of staff who administer, supervise or teach in such programs. The program will be regularly evaluated.

The superintendent or designee shall submit to the Colorado Department of Education a program plan to identify and serve gifted students and may submit a program plan to serve four and five year old highly advanced gifted students no later than April 30 of each year. The program plan shall contain elements specified by applicable State Board

of Education rules so the district will be eligible for state funding for these students.

Except as otherwise required by law, the superintendent or designee shall have the final determination regarding placement of students in district programs for the gifted.

~~The superintendent or designee shall have the final determination regarding placement of students in district programs for the gifted and talented.~~

~~In addition, secondary school students may apply, through the district office, to the Colorado Department of Education to attend an approved gifted and talented educational program provided by the department through contract. Students may apply for tuition assistance and for assistance in defraying transportation expenses. The Colorado Department of Education will select students eligible to participate in this program.~~

Adopted: 2006

LEGAL REFS.:

C.R.S. [22-20-101](#) through 114 (*Exceptional Children's Education Act*)

C.R.S. [22-26-107](#)

Revised Sample Policy

File: IHBD

NOTE: Colorado school districts are required by federal law to adopt a policy on this subject if the district receives Title I funds and has more than one building for each grade span. Federal law contains specific direction as to the content or language. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Equivalence of Services ~~Compensatory Education~~ (Title I)

Pursuant to federal law, school districts receiving Title I funds to provide educational services to students must do so in accordance with Title I of the Every Student Succeeds Act. ~~It is the Board of Education's intent that Title I funds shall be used efficiently and effectively to benefit the academic opportunities and progress of students in Schoolwide or Targeted Assistance Programs.~~

Title I funds shall be used to provide educational services ~~that are in addition to~~ **supplement** the **educational** regular services provided for district students **with state and local funds**. By adoption of this policy, the **district Board** ensures equivalence among its schools in teachers, administrators and **other staff** auxiliary personnel and equivalence in the provision of curriculum materials and **instructional** supplies.

~~{If the district provides Title I services in more than one but not all attendance areas, use the following paragraph.}~~

~~Title I services in project areas, taken as a whole, shall be at least comparable to services being provided in school attendance areas that are not receiving such funds.~~

~~{If the district designates all attendance areas as Title I project areas, use the following paragraph.}~~

~~Title I services taken as a whole shall be substantially comparable in each project area.~~

~~{If the district has only one attendance area for each grade, neither of the above paragraphs should be included.}~~

District personnel shall establish written procedures which include a process to demonstrate that Title I funds are used to provide services in **school attendance** ~~project~~ areas that are at least comparable to the services provided through state and local funds in attendance areas not receiving Title I funds. **Such procedures shall also require the maintenance of** ~~and to maintain appropriate records~~ documenting compliance with this policy **and the updating of such records on a biennial basis.**

Adopted: 2006

LEGAL REF.: ~~20 U.S.C. 1001 et seq. (Title I of the No Child Left Behind Act of 2001)~~
20 U.S.C. 6318(c) (written assurance of equivalence required under Title I)

CROSS REFS.: GCBA, Instructional Staff Contracts/Compensation/Salary Schedules
GDBA, Support Staff Salary Schedules
KBA, District Title I Parent **and Family Engagement** Involvement [Template for Developing Your Own District Policy]
KBA-E, School-Level Title I Parent **and Family Engagement** Involvement Policy (School/Parent Compact)

Entrance Age Requirements

A child may enter kindergarten if five years old on or before June 1 of the year of enrollment. Younger students who do not meet the district's entrance age requirement for kindergarten may be accepted if transferring from another kindergarten program, if the principal or designee determines that placement of the student in kindergarten is appropriate. A child who is four years old on or before the district's start date for kindergarten and has been identified as a highly advanced gifted student in accordance with applicable state law may enroll in kindergarten, if the principal or designee determines that placement of the student in kindergarten is appropriate.

Students enrolling in the first grade may enter if they are six years old on or before June 1 of the year of enrollment. A student who is at least five years old on or before October 1 may be permitted to enroll in first grade if the student attended at least 120 days of kindergarten in another state. A child who is five years old on or before the district's start date for first grade and has been identified as a highly advanced gifted student in accordance with applicable state law may enroll in first grade, if the principal or designee determines that placement of the student in first grade is appropriate.

A legal birth certificate or other acceptable record shall be required for enrollment age certification. The principal or designee will make exceptions to these entrance age requirements in accordance with state law pertaining to the education of military children.

Adopted: 2006

LEGAL REFS.: C.R.S. [22-1-115](#) (*school age*)

C.R.S. [22-20-204](#) (*program plan requirements regarding highly advanced gifted children*)

C.R.S. [22-32-119](#) (*kindergarten*)

C.R.S. [22-54-103](#) (10) (*sets October 1 date for funding*)

C.R.S. [22-54-103](#) (10.5) (*defines pupil enrollment count day*)

C.R.S. [24-60-3402](#) (*Interstate Compact on Educational Opportunity for Military Children*)

1 CCR [301-8](#), 2220-R-12.00 (*highly advanced gifted children*)

CROSS REF.: [JEA](#), Compulsory Attendance Ages

NOTE 1: While school boards are allowed to establish the entrance age requirement for the district, state law specifies that a district may count and receive funding only for students enrolled in the first grade who are six years old on or before October 1 of the applicable budget year, who are five years old on or before October 1 and attended at least 120 days of kindergarten in another state, or who are five years old on or before the district's start date and identified as highly advanced gifted students. C.R.S. [22-54-103](#) (10)(a)(IV)(A) & (B). Similarly, state law specifies that a district may count and receive funding only for kindergarten students who are five years old on or before October 1 of the applicable budget year or for kindergarten students who are four years old on or before the district's start date and identified as highly advanced gifted students. C.R.S. [22-54-103](#) (10)(a)(V)(A) & (B).

NOTE 2: The Interstate Compact on Educational Opportunity for Military Children, C.R.S. [24-60-3402](#) requires districts to enroll children of military families in kindergarten or first grade, regardless of the child's age if: (1) the child is transferring from another state and was enrolled in kindergarten or first grade in the other state; and (2) the child has a parent(s) who is active military. The Interstate Compact overrides the entrance age requirements of the School Finance Act, C.R.S. [22-54-103](#)(10). Please contact CDE's school finance unit for the audit requirements pertaining to this exception.

Revised Sample Policy

File: JFABB

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Admission of Non-immigrant Foreign Exchange Students

The district recognizes the educational and cultural value of international exchange programs and foreign exchange students and authorizes the admission of a limited number of non-immigrant foreign exchange students to the education programs offered in the district's schools **in accordance with this policy and accompanying regulation**. ~~To protect the interests of the district, its schools and students, only foreign exchange students from approved exchange programs and students privately sponsored by district residents may be admitted.~~ The district reserves the right to deny admission to any student, in accordance with applicable law.

Foreign exchange students shall not be considered candidates for high school diplomas from the district. However, these students may be awarded a certificate of completion.

This policy and the accompanying regulation apply to non-immigrant foreign exchange students who temporarily reside within the district's boundaries without their parents/legal guardians for the purpose of attending school **and**. ~~These students are those who qualify for a J-1 visa or an F-1 visa under regulations issued pursuant to the Immigration and Naturalization Act.~~ This policy and accompanying regulation do not apply to resident aliens, political exiles, or students from other countries residing within the district's boundaries with their parents/legal guardians.

Foreign exchange students sponsored by an approved program (J-1 visa)

To protect the interests of the district, its schools and students, only foreign exchange students from an ~~Approved exchange programs are those designated by the United States Department of State~~ **will be considered**. Foreign exchange students admitted as part of an approved program are considered wards of the families with whom they reside.

Foreign students on a J-1 visa are not required by law to pay tuition.

Foreign exchange students privately sponsored (F-1 visa)

Privately sponsored foreign exchange students may be enrolled if an adult resident of the district has been given temporary guardianship and the student lives in the

home of that guardian and if the student meets all legal requirements for a student visa.

~~This policy and the accompanying regulation apply to non-immigrant foreign exchange students who temporarily reside within the district's boundaries without their parents/legal guardians for the purpose of attending school. These students are those who qualify for a J-1 visa or an F-1 visa under regulations issued pursuant to the Immigration and Naturalization Act. This policy and accompanying regulation do not apply to resident aliens, political exiles, or students from other countries residing within the district's boundaries with their parents/legal guardians.~~

Foreign students on an F-1 visa shall only attend secondary schools within the district and are required by law to pay the district for the full, unsubsidized per capita cost to the district for providing education to the student for the period of his or her attendance. The period of attendance may not exceed 12 months.

~~Foreign students on a J-1 visa are not required by law to pay tuition.~~

Adopted: 2006

LEGAL REFS.: 8 U.S.C. 1101(a)(15)(F)(i) (*definition of nonimmigrant student*)
8 U.S.C. 1184 (m) (*admission of nonimmigrant elementary and secondary school students*)
22 C.F.R. 62.25 (*eligibility for and administration of foreign exchange secondary student visitor programs*)

CROSS REF.: JFABA, Nonresident Tuition Charges

Revised Sample Regulation

File: JFABB-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Admission of Non-immigrant Foreign Exchange Students

Academic requirements

No foreign exchange student will be admitted who has already graduated from the equivalent of the twelfth grade or who will reach the age of eighteen years and six months before the program's start date.

The student must have average or above-average grades in school.

~~The student must have sufficient knowledge of the English language to enable effective oral and written communication and to function in a classroom without special assistance. If a student's English proficiency is found to be insufficient to function in the classroom without special assistance, the exchange program or private sponsor must provide a tutor or make other educational arrangements for the student at their expense. If the program or sponsor fail to do so, the student may be withdrawn.~~

Except as required by applicable law, the district will not provide foreign exchange students with admission to English as a Second Language programs, concurrent enrollment programs or other special programs.

~~Students are expected to take five classes per term including one language arts or English class and one American history or government class and are expected to maintain passing grades in all classes.~~

General requirements

Foreign exchange students are responsible for complying with all district policies and regulations.

Foreign exchange students are expected to pay for meals, books, athletic and student activity fees, yearbook costs, and all other fees and expenses normally borne by students in the district, unless the student is considered indigent and/or determined eligible for free or reduced price meals.

The eligibility requirements of the Colorado High School Activities Association shall be followed.

The sponsor, host family and local program representative must maintain personal contact with the school, must be available and willing to meet with school personnel

when problems or circumstances require and must assume full and final responsibility for resolving problems including the early return of the student if personal, family or school difficulties cannot be resolved.

If a student's grades, attendance, conduct or discipline are deemed unsatisfactory by the school, the student may be withdrawn.

Admissions process

Approvals for admission must be obtained from the district between April 15 and July 31 for the following school year or between October 15 and December 15 for the second semester, except under unusual circumstances.

All applications will be screened by the superintendent or designee before they are forwarded for review and approval of the principal of the school where admission is being requested.

The student must attend the school in the attendance area in which the host family or sponsor lives, unless an appropriate transfer is approved by the district. Should a large number of foreign exchange students be scheduled for a particular school, a transfer to another school may be recommended by the district in order to create a balance in foreign exchange student enrollment.

Upon the student's arrival in the district, the adult sponsor (host family and/or local representative of the exchange program) and student must come to the school to complete the enrollment process. Students must arrive in sufficient time for attendance on the first day of school.

In addition to the district's general admission requirements, foreign exchange students requesting admission must submit:

1. Birth certificate or other proof of age.
2. Recent official transcript with English translation reflecting courses taken and grades earned.
3. Records showing required immunizations.
4. A letter of application written in English by the student that provides pertinent information about the student, including student's name, age, birth date, home address and phone number, level of education, reasons for wanting to attend school in the district and the projected duration of enrollment.
5. The names, addresses and phone numbers of the foreign exchange student's own parents/guardians, the host family and the local exchange program representative.
6. ~~Proof of English proficiency, including evidence that the student has successfully completed a minimum of three years of instruction in English and a letter of recommendation from the English language teacher documenting the level of proficiency or evidence that the student has passed a test of English language proficiency, such as the SLEP.~~

- ~~7.6.~~ A current notarized temporary custody agreement between the student's parents/guardians and the host family and/or exchange program.

Foreign exchange students sponsored by an approved program (J-1 Visa)

Only programs designated by the United States Department of State will be considered for placement of foreign exchange students on J-1 visas.

The program must have a local representative residing in or near the district who will meet with the student, host family, and school personnel on a regular basis.

Orientation, both pre-departure and upon arrival in the United States, must be provided to help foreign exchange students adjust to a new culture. Ongoing contact and support from the local representative of the exchange program must also be provided.

Orientation must be provided to the host family in advance of the foreign exchange student's arrival. The family should be acquainted with the needs and requirements of housing a visitor for a long period of time, advised of potential problems in hosting a foreign exchange student and provided with suggestions for coping with these problems. Ongoing contact and support from the local representative of the exchange program must also be provided.

Foreign exchange students on J-1 visas are not subject to tuition.

Foreign exchange students privately sponsored ~~by relatives or friends~~ (F-1 Visa)

Pursuant to federal law, only high school students are eligible for F-1 visas. A student may receive F-1 status for no more than twelve months in a public school system. The student must have reimbursed the school district in advance for the full, unsubsidized cost of educating the student. This amount will be determined by the superintendent or designee.

Should a student not be able to obtain a visa or not attend for some other reason, the tuition will be refunded in full. Should a student attend for less than a full school year, tuition will only be refunded if a true hardship situation is demonstrated.

Adopted: 1-2011

Revised: 10-11-2017
03-14-2018

Revised Sample Policy

File: JICEA

NOTE: Colorado school boards are required by state law to adopt a written publications code. C.R.S. 22-1-120 (4). This sample policy and accompanying regulation meet this legal requirement; however the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs. While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

School-Related Student Publications (School Publications Code)

School-sponsored publications are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Because the Board recognizes creative student expression as an educational benefit of the school experience, it encourages freedom of comment, both oral and written, in a school setting with a degree of order in which proper learning can take place.

The Board encourages students to express their views in school-sponsored publications **while observing** and to observe rules for responsible journalism **and complying with this policy and state and federal law. To protect the rights of all members of the school community and to support the district's educational mission and purposes, students are prohibited from publishing** This means expression which is:

- **is** false or obscene;
- **is** libelous, slanderous or defamatory under state law;
- presents a clear and present danger of the commission of unlawful acts, violation of school rules or material and substantial disruption of the orderly operation of the school;
- violates the privacy rights of others; or
- threatens violence to property or persons ~~shall not be permitted~~.

Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications subject to the limitations of this policy, **its accompanying regulation** and **applicable state and federal law**. The publications advisor within each school shall be responsible for supervising the production of school-sponsored publications and for teaching and encouraging free and responsible expression and professional standards of journalism.

The publications advisor has authority to establish or limit writing assignments for students working with publications and to otherwise direct and control the learning experience that publications are intended to provide when participation in a school-sponsored publication is part of a school class or activity for which grades or school credits are given.

~~All school-sponsored publications shall contain a disclaimer that expression made by students in the exercise of freedom of speech or freedom of the press is not an expression of Board policy. The school district and employees are provided immunity from civil or criminal penalties for any expression made or published by students.~~

~~The superintendent shall develop, for approval by the Board, a written official school publications code which shall include:~~

- ~~1. A statement of the purposes of official school publications.~~
- ~~2. Responsibilities of official school publications' advisors and student editors.~~
- ~~3. — A list of prohibited materials.~~
- ~~4. Reasonable provisions for the time, place and manner of distributing school-sponsored student publications within the school district's jurisdiction.~~
- ~~5. Procedures for resolving differences.~~

~~The publications code shall be distributed to all students and teachers at the beginning of each school year.~~

Adopted: 2006

Revised: 5-16-2017

LEGAL REFS.: C.R.S. 22-1-120 (*rights of free expression for public school students*)
C.R.S. 22-1-123 (5)(e) (*state law does not prevent a student who is working under the supervision of a journalism teacher or sponsor from preparing or participating in a survey, analysis or evaluation without obtaining written parental consent as long as participation is not prohibited by federal law*)
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REF.: JLDAC, Screening/Testing of Students

NOTE: The Board may want to consider a more conservative approach to the issue of editorial control of school-sponsored student publications than is reflected in this policy. Although the Colorado statute on this issue, C.R.S. 22-1-120, has never been tested in the courts, some believe that because the statute does not provide for a true "limited open forum," the Board can be more restrictive about who exercises ultimate editorial control. Some Colorado school boards have adopted policy vesting such control in the publications advisor subject to review by the superintendent and Board. We suggest discussing this issue with the district's legal counsel.

Revised Sample Regulation

File: JICEA-R

*NOTE: Colorado school boards are required by state law to adopt a written publications code. C.R.S. 22-1-120 (4). This sample regulation **and accompanying policy** meets this legal requirement; however the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.*

School-Related Student Publications (School Publications Code)

1. Purpose

~~As stated in Board policy, s~~ School-sponsored publications **provide** ~~are a public forum for students as well as an educational activity through which students can gain experience in reporting, writing, editing and understanding responsible journalism. Content of school-~~**sponsored** publications should reflect all areas of student interest, including topics about which there may be dissent or controversy.

2. ~~Responsibilities of student journalists~~

~~— In addition to the responsibilities set forth in the accompanying Board policy, students who work on official student publications will:~~

- ~~a. Rewrite material, as required by the faculty advisors to improve sentence structure, grammar, spelling and punctuation.~~
- ~~b. Check and verify all facts and verify the accuracy of all quotations.~~
- ~~c. In the case of editorials or letters to the editor concerning controversial issues, provide space for rebuttal comments and opinions.~~

~~— If the Board determines that advertising is allowed in the publication, the student editor will determine the content of any advertisements.~~

3. ~~Responsibilities of publication advisors~~

~~— In addition to the responsibilities set forth in the accompanying Board policy, the publication advisor will exercise general supervision over all activities to create a proper learning environment.~~

24. Prohibited materials

The following defines those materials prohibited by this regulation's accompanying policy.

- a. Students may not publish or distribute material that is obscene. "Obscene" means:

- (1) The average person applying contemporary community standards finds that the publication, taken as a whole, appeals to a minor's prurient interest in sex.
 - (2) The publication depicts or describes in a patently offensive way sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, or lewd exhibition of genitals.
 - (3) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.
- b. Students may not publish expression that is libelous, slanderous or defamatory under state law. "Libelous" is defined as a false and unprivileged statement about a person that injures the individual's reputation in the community.
 - c. Expression that is false as to any person who is not a public figure or involved in a matter of public concern is prohibited.

If the allegedly libeled individual is a "public figure or official," the official must show that the false statement was published with actual malice, as the terms are defined in law.

~~Under the "fair comment rule," a student is free to express an opinion on matters of public interest. Specifically, a student enjoys a privilege to criticize the performance of teachers, administrators, school officials and other school employees.~~

- d. Expression which presents a clear and present danger of the commission of unlawful acts, violation of lawful school **rules** regulations, or material and substantial disruption of the orderly operation of the school, violates the rights of others to privacy, or threatens violence to property or persons is prohibited.

In order for a student publication to be considered disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial material disruption to normal school activity would occur if the material were distributed. ~~Undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to show affirmatively substantial facts that reasonably support a forecast of likely disruption.~~ Material that stimulates heated discussion or debate does not constitute the type of disruption that is prohibited.

35. Time, place and manner restrictions

The principal will coordinate with the publications advisor on the time, place and manner of distributing school-sponsored publications to reduce any conflict with school instructional time and/or reduce any disruption of the orderly operation of the school which might be caused by the distribution of school-sponsored publications.

46. Procedures for resolving differences

Student editors will work first with the publications advisor to resolve any differences. If the problem **cannot** ~~can not~~ be resolved at this level, the student editors and/or the publications advisor **will** ~~may~~ work with the principal to resolve any problems. If the problem is not resolved at the principal level, the student editors and/or the publications advisor may **appeal to** ~~work with~~ the superintendent. **The superintendent's decision shall be final.** ~~to resolve any problem. If the problem is not resolved at the superintendency level, the student editors and/or publications advisor may work with the Board of Education. If the problem is not resolved at the Board level, the student editors and/or publications advisor may seek relief through the judicial system.~~

~~7. Legal advice~~

- ~~a. If in the opinion of the student editor, student editorial staff or faculty advisor, material proposed for publication may be "obscene," "libelous," or "cause a substantial disruption of school activities," the legal opinion of the school district's attorney should be sought if authorized by the principal.~~
- ~~b. Legal fees charged in connection with this consultation will be paid by the Board.~~
- ~~c. The final decision of whether the material is to be published will be left to the student editor.~~

Adopted: 2006

Revised: 5/10/2017

COLORADO SAMPLE REGULATION 1991©

File: JICEA-R

Revised Sample Policy

File: JICEC*

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Student Distribution of Noncurricular Materials

To understand Constitutional values such as the right to free speech, students must not only study such principles but also have an opportunity to put them into practice. However, there are limitations on the right of student free speech in the school setting that have been upheld by the courts because of the unique nature of the school community.

It is the goal of this policy to strike a necessary balance between a student's right of free speech and the school's need to maintain an orderly and safe school environment which respects the rights of all students on school grounds and during school-sponsored activities.

Students ~~may shall be allowed to~~ distribute noncurricular ~~written~~ materials on school property **in accordance with this policy, its** ~~subject to restrictions on time, place and manner of distribution set out in the accompanying regulations and the prohibitions set out below and~~ **applicable** in-state **and** federal law.

Prohibited distribution

Students shall not distribute any noncurricular materials on school property or at school-sponsored activities or events that in themselves or in the manner they are distributed:

- **create or threaten to create a substantial disruption or material interference with the normal operation of the school, school activity or event;**
- **advocate or encourage unlawful conduct or conduct that violates Board policy, including but not limited to the Board's policies prohibiting unlawful discrimination, harassment and bullying;**
- **cause or threaten to cause injury to persons or property; or**
- **are obscene, defamatory or violate any person's privacy rights.**

~~Any material in any media containing expression which is obscene, pornographic, sexually explicit, libelous, slanderous or defamatory shall be prohibited. Students shall not distribute any material which advocates commission of unlawful acts or violation of Board or district policy and/or regulations, violates another person's right to privacy, causes a material and substantial disruption of the orderly operation of the school, or threatens violence to property or persons. Also prohibited are materials that contain insulting words or words the very expression of which injures or harasses other people and which are inconsistent with the shared values of a~~

~~civilized social order (e.g. threats of violence or defamation of a person's race, religion, ethnicity, national origin, etc.).~~

Students who distribute materials in violation of this policy may be subject to appropriate disciplinary action, including suspension and/or expulsion.

School equipment and supplies shall not be used for publication of such material.

Adopted: 2006

LEGAL REFS.: ~~Hazelwood Sch. Dist. v. Kuhlmeier, 484 U.S. 260 (1988)~~
~~Tinker v. Des Moines Indep. Comm. Sch. Dist., 393 U.S. 503 (1968)~~
Taylor v. Roswell Indep. Sch. Dist., 713 F.3d 25 (10th Cir. 2013)
Colo. Const. Art 9, 5
C.R.S. 22-1-120 (*rights of free expression for public school students*)
C.R.S. 22-32-110 (1)(r) (*power to exclude materials that are immoral or pernicious*)

CROSS REFS.: JICEA, School-Related Student Publications
JK, Student Discipline, and subcodes
KHC, Distribution/Posting of Noncurricular Materials

Revised Sample Regulation

File: JICEC*-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Student Distribution of Noncurricular Materials

NOTE: The district has discretion as to whether to require students to submit materials for approval prior to distribution. One of the following options should be selected by the district.

Approval required prior to distribution

Students who wish to distribute more than 10 items or copies of noncurricular materials on school property or at a school-sponsored activity or event shall submit the material to the school principal for approval at least five school days in advance of the planned distribution date. The principal or principal's designee shall respond to such requests within three school days.

Appeal

If the principal does not approve the materials for distribution, the principal or principal's designee shall provide a written explanation of why the materials were not approved under the policy accompanying this regulation.

The student may then appeal the decision as follows:

1. Within 10 school days of receiving the principal's or designee's decision, the student may file a written notice of appeal with the superintendent.
2. The superintendent shall make a written determination within 10 school days of receiving the student's appeal.
3. Within 10 school days of receiving the superintendent's decision, the student may submit a written appeal to the superintendent, requesting a hearing before the Board.
4. The superintendent shall schedule the hearing on the agenda of the next regularly scheduled Board meeting, which generally will be held within 30 days of the filing of a request for a hearing.

After providing the student with an opportunity to be heard, the Board shall render a decision, which shall be final.

The following restrictions will apply to all requests ~~to for~~ **distribute** ~~distribution more than 10 items or copies~~ of noncurricular materials by students **on school property or at school-sponsored activity**:

1. **Place.** Distribution of ~~printed~~ materials must be made at places within the school or on school grounds as designated by the principal except that in no event may such materials be distributed in any classroom of any building then being occupied by a regularly-scheduled class.
2. **Time.** Distribution may be made one-half hour before school and/or during regularly scheduled lunch periods and/or 15 minutes after the close of school. Any other times during the school day are considered to be disruptive of normal school activities.
3. **Littering.** All distributed **noncurricular materials** ~~items~~ discarded in school or on school grounds must be removed by the persons distributing such items.
4. **Manner.** No student may in any way be compelled or coerced to accept any noncurricular materials. In the alternative, no school official or student may interfere with ~~the distribution of approved materials~~ **distributed in accordance with this regulation and its accompanying policy**.

Violation of ~~this any of these~~ **regulations and/or accompanying policy** will be sufficient cause for denial of the privilege to distribute materials at future dates and **may be cause** for disciplinary action, **including suspension and/or expulsion**.

Adopted: 2006

[Revised June 2018 August 2015]
COLORADO SAMPLE REGULATION 1990©

Revised Sample Policy

File: JJA-1

NOTE: Colorado school districts should adopt a policy on this subject to ensure that expectations related to student organizations are clear. This sample policy contains the content/language that CASB believes best meets the intent of the state and federal law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Student Organizations

Schools in the district may encourage students to broaden their knowledge and citizenship by permitting the formation of clubs or other groups that relate to subject matter covered by the curriculum. Such organizations shall operate within the framework of state statutes, Board policy, administrative rules and the parameters of the learning program.

Each building principal shall develop general guidelines for the establishment and operation of student organizations within the particular school. Among other provisions, such guidelines shall require the approval of the principal prior to the formation of any club or organization in a school and the assignment of at least one faculty adviser to each approved student organization.

All student organizations are required to open membership to all interested and/or eligible students. Fraternities, sororities and/or secret societies shall not receive recognition in any manner under this policy.

All forms of hazing in initiations shall be prohibited in a student organization. No initiation shall be held for a student organization which will bring criticism to the school system or be degrading to the student.

The faculty adviser must attend every meeting of the student organization whether conducted on school premises or at another location.

The principal is responsible for determining whether the purpose of a student organization is related to the curriculum.

Student organizations shall be considered directly related to the curriculum if one or more of the following applies:

1. The subject matter of the group actually is taught in a regularly-offered course.
2. The subject matter of the group concerns the body of courses as a whole.
3. Participation in the group is required for a particular course.
4. Academic credit or extra credit is given for participation in the group.

When the principal denies the request of a student organization desiring to meet or form in a particular school, the principal shall inform the group of the reasons for the

denial. The students and/or group may submit a written request to the superintendent within 10 days of the denial for a review of the principal's decision.

*NOTE: If the district adopts only this policy, the district has created a limited forum. If the district also adopts JJA-2, it has created an open forum in **middle and high** ~~secondary~~ schools and should add the following conclusion to this policy:*

*"In the event the principal denies a group of **middle and/or high school** ~~secondary~~ students the right to organize and conduct meetings as a curriculum-related student organization, students may seek permission to meet as a noncurricular student organization in accordance with Board policy JJA-2."*

Adopted: 2006

LEGAL REFS.: 20 U.S.C. 4071 *et seq.* (***Equal Access Act***)
C.R.S. 22-1-117 (***secret fraternities forbidden***)
C.R.S. 22-1-118 (***board has power to enforce prohibition on secret fraternities***)

CROSS REF.: JJA-2, Student Organizations - Open Forum (~~Secondary Schools~~)

Revised Sample Policy

File: JJA-2

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, this policy reflects legal requirements school districts must follow. This sample policy contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Student Organizations – Open Forum (Secondary Schools)

In addition to clubs and groups related to the curriculum, students in **middle and high secondary schools** (~~grades 7-12~~) in this district shall be permitted to organize and conduct meetings of noncurriculum-related student clubs or other groups to pursue specialized activities outside the classroom. Such groups shall not be considered school-sponsored student organizations nor be given all the privileges afforded to school-sponsored organizations.

Students may conduct meetings under this policy on school premises only during noninstructional time so that meetings do not interfere with the orderly conduct of the educational activities of the school. Meetings of noncurricular student groups must be scheduled, organized and conducted within the guidelines established by this policy and accompanying regulations.

For purposes of this policy, "noninstructional time" means time set aside by each school before actual classroom instruction begins or after actual classroom instruction ends. **Lunch period is considered "noninstructional time."**

Requests for permission to conduct a noncurricular student meeting must originate from a student or groups of students. Persons not attending school in this district, parents, school personnel or any other non-school persons are prohibited from directing, conducting, controlling or regularly attending the activities of a noncurricular student group.

All noncurricular student groups meeting on school premises are required to open membership to all interested and/or eligible students. Fraternities, sororities and/or secret societies shall not receive recognition in any manner under this policy. Attendance at all meetings must be voluntary.

The administration shall develop general guidelines and rules so that students will be informed about the procedure for scheduling meetings and activities, the hours available for meetings and the facilities available for meeting space. Students must request permission for a meeting of a noncurriculum-related group from the principal and submit all scheduling requests to the principal for approval.

A member of the professional staff must be invited to attend every meeting or activity scheduled on school premises as a monitor for purposes of general supervision.

Students shall be responsible for ensuring the presence of a faculty monitor prior to every meeting.

Under no circumstances shall the school compel a faculty member or school employee to monitor or attend a meeting of a noncurricular student group if the content of the speech at the meeting is contrary to the beliefs of the school employee.

School employees may be present at religious meetings of a noncurricular group only in a non-participatory capacity.

All forms of hazing in ~~initiations~~ shall be prohibited in any group meeting on school premises. No initiation shall be held for any noncurricular student group which will ~~bring criticism to the school system or~~ be degrading to the student.

The school district, through the building principal, retains the authority to prohibit meetings which otherwise would be unlawful. Further, nothing in this policy shall be construed to limit the authority of the school to maintain discipline on school premises, to protect the well-being of students and faculty and to ensure that attendance at meetings is voluntary. Neither shall anything in this policy be used to imply that the school is sponsoring a noncurricular student group. No public funding or support shall be extended to noncurricular student groups other than an opportunity to meet on school premises.

In providing equal access to school facilities for all noncurricular groups, the district is not expressing any opinion or approval of the subject matter discussed at any meeting nor is it advocating or supporting in any manner the point of view expressed by any student or group meeting as allowed by this policy.

Noncurricular student groups shall not be denied equal access to school facilities solely on the basis of the religious, political, philosophical or other content of any speech at such meetings.

Adopted: 2006

LEGAL REFS.: 20 U.S.C. 4071 *et seq.* (***Equal Access Act***)
C.R.S. 22-1-117 (***secret fraternities forbidden***)
C.R.S. 22-1-118 (***board has power to enforce prohibition on secret fraternities***)

Revised Sample Regulation

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, this regulation reflects legal requirements school districts must follow. This sample regulation contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate procedures that meet local circumstances and needs.

Immunization of Students

1. No student may attend school in the district unless the student has presented to the school an up-to-date certificate of immunization or a completed exemption form.

NOTE: Please refer to current standardized immunization documents and ~~official~~ exemption forms developed and updated by the Colorado Department of Public Health and Environment.

2. A student shall be exempted from required immunizations only upon submission of:
 - a. certification from a licensed physician that the student's physical condition is such that immunization would endanger the student's life or health or is otherwise medically contraindicated due to other medical conditions.
 - b. a statement signed by the parent/guardian or the emancipated student that the student adheres to a religious belief whose teachings are opposed to immunizations.
 - c. a statement signed by the parent/guardian or the emancipated student that the student holds a personal belief that is opposed to immunizations.

In the event of an outbreak of disease against which immunization is required, no exemption will be recognized and those students will be excluded from school.

3. Parents/guardians or emancipated students who assert an exemption from immunizations based on a religious or personal belief ("non-medical exemption") shall submit **a standard** ~~the required~~ exemption form **or a signed statement** to the school on an annual basis. Such submission shall occur at the beginning of each school year that the non-medical exemption is asserted.
4. Parents/guardians or emancipated students who assert an exemption from immunizations based on a medical reason shall submit the required medical exemption form to the school one time. The medical exemption form shall be maintained on file at each new school the student attends.
5. The district will provide upon request an immunization reporting form. The School Nurse is responsible for seeing that required information is included on the form and transferred to an official certificate of immunization as required.
6. If there is a failure to comply with the immunization requirements, the

School Nurse will personally notify the parent/guardian or emancipated student. Such notification will be accomplished either by telephone or in person. If this is not possible, contact will be by mail.

Emancipated students must be contacted directly rather than through their parents/guardians.

The parent/guardian or emancipated student will be notified of the following:

- a. that up-to-date immunizations are required under Colorado law.
 - b. that within 14 days of notification, the parent/guardian must submit either an authorization for administration of the immunization by health officials or a valid exemption or documentation to the school showing that the next required immunization has been given and a written plan for completion of all required immunizations.
 - c. that if the required documentation is not submitted within 14 days of notification or if the student begins but does not continue or complete the written plan, the student will be suspended or expelled.
7. A student who fails to comply will be suspended by the principal for up to five days and notice of the suspension sent to the Health Department, in accordance with applicable law.
 8. If no certificate of immunization is received during the period of suspension, the superintendent will institute proceedings for expulsion.
 9. Any suspension or expulsion under this policy will terminate automatically upon compliance.
 10. Record of any such suspension or expulsion will be contained in the student's health file, with an appropriate explanation – not in the student's disciplinary file.

Any student expelled for failure to comply with the immunization requirements will not be included in calculating the dropout rate, but will be included in the annual report to the State Board of Education.

NOTE: While the definition of "student in out-of-home placement" closely tracks the federal law's definition of a student in foster care, the state law's definition is slightly broader. Thus, the use of the term "student in out-of-home placement" is intentional in the following paragraph, as state law requires the district to enroll a student in an out-of-home placement regardless of whether the district has received the student's immunization records. C.R.S. 22-32-138 (4).

Students in out-of-home placements

The following procedure shall apply to students in out-of-home placements, as that term is defined by C.R.S. 22-32-138 (1)(h e).

Unless the district or school is otherwise authorized to deny enrollment to a student in out-of-home placement, the district or school shall enroll the student regardless of whether the district or school has received the student's immunization records. Upon enrolling the student, the school shall notify the student's legal guardian that unless the school receives the student's certificate of immunization or a written authorization for administration of immunizations within 14 days after the student enrolls, the school shall suspend the student until such time as the school receives the certificate of immunization or authorization.

Adopted: 2006
Revised: 10-12-2016
02-2018

Revised Sample Policy

File: JLCD

NOTE: While Colorado school districts are not required by law to adopt a policy on this subject, this policy reflects legal requirements school districts must follow. This sample policy contains the policy content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate policy language that meets local circumstances and needs.

Administering Medications to Students

School personnel shall not administer prescription or nonprescription medications to students unless appropriate administration cannot reasonably be accomplished outside of school hours. ~~and the student's parent/guardian is not available to administer the medication during the school day.~~

Medication may be administered to students by school personnel whom a registered nurse has trained and delegated the task of administering such medication. For purposes of this policy, the term "medication" includes both prescription medication and nonprescription medication, but does not include medical marijuana.

NOTE: The Board should choose one of the following options. Choose option 1 if the Board has adopted a policy regarding the administration of medical marijuana to qualified students. Choose option 2 if the Board has not adopted such a policy.

The administration of medical marijuana shall be in accordance with the Board's policy on administration of medical marijuana to qualified students.

The term "nonprescription medication" includes but is not limited to over-the-counter medications, homeopathic and herbal medications, vitamins and nutritional supplements.

Medication may be administered to students ~~by the school nurse or other school designee~~ only when the following requirements are met:

1. Medication shall be in the original properly labeled container. If it is a prescription medication, the student's name, name of the medication, dosage, how often it is to be administered, and name of the prescribing health care practitioner shall be printed on the container.
2. ~~The school shall have received~~

- 3.2. The school shall have received written permission from the student's parent/guardian to administer the medication to the student **and either:-**
- a. written permission to administer the medication from the student's health care practitioner with prescriptive authority under Colorado law; **-or**
 - b. **a standing medical order, if the medication is an over-the-counter medication such as Advil or Tylenol.**
- 4.3. The parent/guardian shall be responsible for providing all medication to be administered to the student, **unless it is an over-the-counter medication such as Advil or Tylenol.**

NOTE: State law permits local boards of education to adopt a policy authorizing a student to possess and self-administer any medication prescribed by a licensed health care practitioner on school grounds, upon a school bus, or at any school-sponsored event. C.R.S. 22-1-119.3; 1 CCR 301-68, Rule 6.00. However, such policy must prohibit students from possessing or self-administering medical marijuana on school grounds or at any school-sponsored event. C.R.S. 22-1-119.3 (3)(c). A board that chooses to adopt such a policy is then exempt from the requirements of the Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act (the "Act"). C.R.S. 22-1-119.3 (5).

This sample policy does not permit students to self-carry any prescription medication and instead reflects the Act's requirements for self-administration of medication for asthma, allergy or anaphylaxis only. Districts should consult with their own legal counsel if they wish to permit students to self-carry and self-administer any prescription medication.

Self-administration of medication for asthma, allergies or anaphylaxis

A student with asthma, a food allergy, other severe allergies, or a related, life-threatening condition may possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or related, life-threatening condition. Self-administration of such medication may occur during school hours, at school-sponsored activities, or while in transit to and from school or a school-sponsored activity. Student possession and self-administration of such medication shall be in accordance with the regulation accompanying this policy.

Authorization for a student to possess and self-administer medication to treat the student's asthma, food or other allergy, anaphylaxis or other related, life-threatening condition may be limited or revoked by the school principal after consultation with the school nurse and the student's parent/guardian if the student demonstrates an inability to responsibly possess and self-administer such medication.

Student possession, use, distribution, sale or being under the influence of medication inconsistent with this policy shall be considered a violation of Board policy concerning drug and alcohol involvement by students and may subject the student to disciplinary consequences, including suspension and/or expulsion, in accordance with applicable Board policy.

Adopted: 2006

Revised: 06-21-2016

LEGAL REFS.: C.R.S. 12-38-132 (*delegation of nursing tasks*)
C.R.S. 12-38-132.3 (*school nurses - over-the-counter medication*)
C.R.S. 22-1-119 (*no liability for adverse drug reactions/side effects*)
C.R.S. 22-1-119.5 (*Colorado Schoolchildren's Asthma, Food Allergy, and*

Anaphylaxis Health Management Act)

C.R.S. 22-1-119.3 (3)(c), (d) (no student possession or self-administration of medical marijuana, but school districts must permit the student's primary caregiver to administer medical marijuana to the student on school grounds, on a school bus or at a school-sponsored event)

C.R.S. 22-2-135 (Colorado School Children's Food Allergy and Anaphylaxis Management Act)

C.R.S. 24-10-101 et seq. (Colorado Governmental Immunity Act)

1 CCR 301-68 (State Board of Education rules regarding student possession and administration of asthma, allergy and anaphylaxis management medications or other prescription medications)

6 CCR 1010-6, Rule 6.13 (requirements for health services in schools)

CROSS REFS.: JICH, Drug and Alcohol Involvement by Students

JKD/JKE, Suspension/Expulsion of Students (and Other Disciplinary Interventions)

JLCDA*, Students with Food Allergies

JLCE, First Aid and Emergency Medical Care

NOTE 1: If the Board adopts a policy addressing the administration of medical marijuana to qualified students, a cross reference to the policy should be added here.

NOTE 2: The Colorado Department of Education (CDE), in collaboration with various school districts and other organizations, has created numerous guidelines regarding medication administration in the school setting. These guidelines are available on CDE's website.

[Revised June 2018 ~~2016~~]

COLORADO SAMPLE POLICY 1995©

Revised Sample Regulation

File: KDB-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Public's Right to Know/Freedom of Information

The following procedure applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by the district. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record.

Process for requesting records

1. All requests for public record(s) maintained by the district shall be specific enough to allow the district to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, the district may require that the request be made in writing.
- ~~2. The district has no duty to create a public record that does not already exist.~~
- ~~3.~~2. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.

A reasonable time shall not exceed three working days, but may be extended by an additional seven working days if certain extenuating circumstances exist, in accordance with state law.

- ~~4.~~3. If the person seeking the record requests transmission of the record, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.

Upon receipt of payment of any applicable copy costs and/or other fees or upon making payment arrangements with the person requesting the record, the custodian of records will transmit a copy of the record by United States mail, other delivery service, facsimile or electronic mail. Transmission will occur as soon as practicable but no more than three business days after the district's receipt of payment, or making arrangements to receive such payment.

- 5.4.** Inspection of any public record shall take place in an area designated by the district's custodian of records and shall occur in a manner that will not be disruptive to district operations. District employees may be assigned to monitor any inspection of public records.
- 6.5.** If the district does not have facilities for making a copy of a record that a person has the right to inspect, the person shall be granted access to the record for the purpose of making a copy. The copy shall be made under the supervision of the custodian of records or designee. When practical, the copy shall be made in the place where the record is kept but if it is impractical to do so, the custodian may allow arrangements for the copy to be made at another facility.

District responsibilities

The district has no duty to create a public record that does not already exist.

If the district stores the public record in a digital format, the district must provide a copy of the record in a digital format. Public records stored in a searchable format must be provided in a searchable format and public records stored in a sortable format must be provided in a sortable format. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:

- a. producing the record in the requested format would violate the terms of a copyright or licensing agreement;**
- b. producing the record in the requested format would result in the release of third party proprietary information;**
- c. after making reasonable inquiries, the records custodian determines that:**
 - (1) it is not technologically or practically feasible to permanently remove information that the district is required or permitted to withhold;**
 - (2) it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;**
 - (3) producing the record in a searchable or sortable format would require the purchase of software, or the creation of additional programming or functionality in existing software, to remove information the district is required or permitted to withhold.**

Fees

- 1. The fee for copying public records will be \$.25 per page.**
- 2. No transmission fee will be charged for transmission via electronic mail.**
- 3. If the district in response to a specific request manipulates data to generate a record in a form not used by the district, it may charge a reasonable fee not to exceed the actual cost of manipulating the data and generating the record. Fulfilling such a request will be at the option of the district.**

4. If a requested record is a result of computer output other than word processing, the fee for a copy will be based on recovery of the actual costs of providing the electronic service and product together with a reasonable portion of the costs associated with building and maintaining the information system. This fee may be reduced or waived by the superintendent or designee if the electronic service or product is used for a public purpose.
5. If another facility is necessary, the costs of providing them shall be paid by the person requesting the copy. The custodian may establish a reasonable schedule of times for making a copy and may charge the same fee for services rendered in supervising the copy as the custodian may charge for furnishing a copy.

Denial of access and dispute resolution

1. **If the district denies a request for access to district records and the person requesting the records asks for a written statement of the grounds for denial, the district shall provide a written statement to the person, citing the law or regulation under which the district denied access.**
2. **A person denied access to district records may seek a court order compelling disclosure.**
3. **Before seeking a court order, the person must provide written notice to the records custodian at least 14 days before filing an application in court.**
4. **During the 14-day period, the records custodian shall meet in person or communicate on the telephone with the person denied access to district records to determine if the dispute may be resolved without court involvement.**
5. **Any common expense necessary to resolve the dispute shall be apportioned equally between the person requesting the records and the district, unless the district and person agree to a different method of allocating the costs.**

In addition to the procedures contained in this regulation, the district may develop further procedures governing the inspection, copying and transmission of its records as it deems necessary to protect its records and prevent unnecessary interference with district staff responsibilities and district operations.

Adopted: 2006

Strasburg School District 31J
56729 East Colorado Avenue
Strasburg, Colorado 80136

**Minutes of the Regular Meeting of the Board of Education
June 12th, 2018 (6:30 P.M.) – SHS – East Video Conference Room #110**

CALL TO ORDER:

Meeting was called to order at 6:33 P.M. by Board President, Mr. John Sampson

ATTENDANCE: (Roll Call)

Board members present were: Nancy Taylor, Connie Lybarger, John Sampson, Julie Winter and Micheal Marrero.

Others present were Monica Johnson (Superintendent of Schools), Jeff Rasp (SHS Principal), Sara Turrell (HMS Principal), Carol Wethington (SES Principals) Stephanie Velez (Secretary to the BOE), I-70 Scout, and other members of the district and public.

PLEDGE OF ALLEGIANCE: Mr. John Sampson

AGENDA APPROVAL:

On a motion by Nancy Taylor and seconded by Connie Lybarger, it is hereby resolved to approve the amended agenda.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

REQUEST FROM PATRONS TO ADDRESS THE BOARD OF EDUCATION:

None

SUPERINTENDENT'S REPORT: (Mrs. Johnson addressed the BOE on each of the following items.)

Superintendent Johnson updated the Board of Education on moving ahead with a new district Master Plan, this will enable the district to continue to apply for BEST Grants. Mrs. Johnson also updated the Board of Education on the district's transportation needs for the upcoming school year and formulating a plan if drivers were not found.

BOARD ACTION ITEMS:

On a motion by Nancy Taylor and seconded by Connie Lybarger it is hereby resolved to approve the 2018-2019 district Budget as presented.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

On a motion by Connie Lybarger and seconded by Julie Winter it is hereby resolved to approve the resignations of Hilary Thornton, HMS Special Ed Teacher, Mary Burke, SHS Teacher, Shelly Roesch, SES Teacher, Laura Prier, SES Teacher, Tonya Hanks, SES Teacher.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

On a motion by Connie Lybarger and seconded by Micheal Marrero it is hereby resolved to approve the hiring of Hayley Buckman, SHS Teacher, Crystal Shovan, Pre-School Teacher, Marissa Mingee, Pre-School Teacher, Erin Seibel, Kindergarten Teacher, Tracey Thompson, SES Teacher.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

Agenda item C. “Approval of coach’s salary schedule” was tabled until the August 2018 board meeting.

On a motion by Nancy Taylor and seconded by Connie Lybarger, it is hereby resolved to approve the 2018-2019 course schedules as presented.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

On a motion by Nancy Taylor and seconded by Connie Lybarger, it is hereby resolved to approve the Title Funds Assignment Agreement.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

On a motion by Connie Lybarger and seconded by Julie Winter, it is hereby resolved to approve the CASB Membership’s for the 2018-2019 school year.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

On a motion by Julie Winter and seconded by Micheal Marrero it is hereby resolved to approve the 2018-2019 Student handbooks as presented.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

On a motion by Nancy Taylor and seconded by Connie Lybarger, it is hereby resolved to approve the new curriculum for English language for the high school.

AYE: LYBARGER, MARRERO, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 5-0

CONSENT AGENDA: BOARD MINUTES AND CLAIMS AND FINANCIALS SECTION VII

On a motion by Nancy Taylor and seconded by Connie Lybarger, it is hereby resolved to approve the minutes, claims and financial packet for the May 2018 regular meeting.

AYE: LYBARGER, SAMPSON, TAYLOR, WINTER

NAY: NONE – MOTION CARRIED: 4-0

ADJOURNMENT:

John Sampson, President

Date

Julie Winter, Treasurer

Date