

Mission Statement

*Develop responsible and
productive members of
society*

Strasburg School District
31-J

January 15th, 2020 @ 7:00 p.m.

Board of Education

Julie Winter, President

Michael Marrero, 1st Vice
President

Open, 2nd Vice President

Diana Elliott, Secretary

Dillon Kent, 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.

Board Procedures:

Board meeting time is dedicated to the mission and goals of the Strasburg 31J School District. Public opinion is valuable to the Board, and there is an opportunity during request from patrons to address the Board. Individuals who try to address the Board outside of public comment may not be recognized.

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

Presentations must be no more than three minutes.

- I. Opening of the Meeting**
 - a. Call to Order
 - b. Roll Call
 - c. Pledge of Allegiance
 - d. Adoption of Agenda
 - e. Board Procedures – The Board President will outline the procedures for the meeting
- II. Information from the Superintendent & Department Reports**
- III. Public Hearing & Public Participation**
 - a. None at this time
- IV. Board Correspondence/Reports**
- V. Board Action items – Consent Groupings**
 - a. Personnel
 - i. New Hires:
 - 1. Maria Sandoval, Bus Driver
 - 2. Michelle Martinez, Bus Driver
 - 3. Kimberly Nichols, SES One on One Para
 - 4. Jerome Bongard, HMS Head Wrestling Coach
 - 5. Kerry Kemper, HMS Assistant Wrestling Coach
 - 6. Jerome Bongard, SHS Assistant Baseball Coach
 - b. Policy
 - i. BC School Board Member Conduct
 - ii. BC-R School Board Member Financial Disclosure
 - iii. BEC Executive Sessions
 - iv. BEDA Notification of School Meetings
 - v. GBEB Staff Conduct and Responsibilities
 - vi. GCE-GCF Professional Staff Recruiting and Hiring
 - vii. CBF Superintendent’s Conduct
 - viii. GDE-GDF Support Staff Recruiting and Hiring
 - c. Approval of the minutes of the December 4th, 2019 Special Board Meeting and approval of the minutes of the December 11th, Regular Board Meeting.
 - d. Approval of claims, accounts, and financial statements, as appropriate.
- VI. Action Items – not consent groupings**
 - a. Declare A Board Vacancy
 - b. Revised 2019-2020 Budget
- VII. Agenda Setting**
 - a. Discuss agenda topics for future board meetings
 - b. Meeting times and dates – set work-session
- VIII. Adjourn**

Revised Sample Policy

File: BC

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.

School Board Member Conduct

Public office is a trust created by the confidence which the public places in the integrity of its public officers. To preserve this confidence, it is the desire of the Board to operate under the highest ethical standards.

In carrying out his/her fiduciary duties, a Board member shall not:

1. Disclose or use confidential information acquired in the course of official duties to further substantially the member's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the Board member's public duties or which the member knows or should know is primarily for the purpose of a reward for official action taken.
3. Engage in a substantial financial transaction for the member's private business purposes with a person whom the member supervises in the course of official duties.
4. Perform an official act which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for a Board member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

(Adoption date)

LEGAL REFS.: C.R.S. 1-45-101 *et seq.* (Fair Campaign Practices Act)
C.R.S. 22-32-110 (1)(k) (specific powers of boards)
C.R.S. 24-6-201 *et seq.* (Public Official Disclosure Law)

C.R.S. 24-18-104 (rules of conduct for all public officers, general assembly, local government officials and employees)

C.R.S. 24-18-109 (rules of conduct for local government officials and employees)

NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the Board member's personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104 (2). However, state law permits a Board member to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the Board member does not receive any substantial benefit resulting from the Board member's status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).

NOTE 2: State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a Board member to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than ~~\$65-59~~), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.

NOTE 3: The amount of the gift limit (~~\$65-59~~) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of ~~2023~~ 2019. Colo. Const. Art. XXIX, Section 3 (6).

Revised Sample Regulation

File: BC-R

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, the content in this sample reflects legal requirements school districts must follow.

School Board Member Financial Disclosure

Board members are required by law to disclose certain items received in connection with serving on the Board. If Board members receive such items, they must file a report with the secretary of state on forms prescribed by the secretary of state. Such report must be filed on or before January 15, April 15, July 15 and October 15 of each year, and shall cover the period since the last report. The report must contain the name of the person from whom the reportable item was received, its value and the date of receipt. Board members who do not receive any items that must be reported are not required to file a report.

Items which must be reported include the following:

1. Any money received, including a loan, pledge, advance, guarantee of a loan or any forbearance or forgiveness of indebtedness from any person with a value greater than ~~\$65~~-59.
2. Any gift of any item of real or personal property other than money with a value greater than ~~\$65~~-59.
3. Any loan of real or personal property if the value of the loan is greater than ~~\$65~~59. "Value of the loan" means the cost saved or avoided by the Board member by not borrowing, leasing or purchasing comparable property from a source available to the general public.
4. Any payment for a speech, appearance or publication.
5. Tickets to a sporting, recreational, educational or cultural event with a value greater than ~~\$65~~-59 for any single event.
6. Payment of or reimbursement for actual and necessary expenses for travel and lodging for attendance at a convention, fact-finding mission or trip, or other meeting if the Board member is scheduled to deliver a speech, make a presentation, participate on a panel or represent the school district unless the payment for such expenditures is made from public funds or from the funds of any association of public officials or public entities such as the Colorado Association of School Boards (CASB).
7. Any gift of a meal to a fund-raising event of a political party.

To avoid misunderstandings about the value of an item, the donor must furnish the Board member with a written statement of the dollar value of the item when it is given.

(Approval date)

LEGAL REF.: C.R.S. 24-6-201 *et seq.* (Public Official Disclosure Law)

NOTE 1: The amount of the gift limit (~~\$65-59~~) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of ~~2019~~ 2023. Colo. Const. Art. XXIX, Section 3 (6).

NOTE 2: The gifts and items that do not require a disclosure report are listed in C.R.S. 24-6-203 (4). They include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than ~~\$65-59~~), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.

Revised Sample Policy

File: BEC

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.

Executive Sessions

All meetings of the Board shall be open to the public except that at any regular or special meeting the Board may proceed into executive session upon affirmative vote of two-thirds of the quorum present.

The Board shall not make final policy decisions nor shall any resolution, policy or regulation be adopted or approved nor shall any formal action of any kind be taken during any executive session.

Prior to convening in executive session, the Board shall announce the topic of the executive session which shall be reflected in the minutes. The Board shall include the specific citation to statute authorizing it to meet in executive session when it announces the session and identify the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive session is authorized.

NOTE: As stated in the above paragraph, the Board must refer to the specific citation to statute authorizing it to meet when it announces the session. The following numbered paragraphs list the permissible executive session topics with the legal citation for each. Each topic is a subsection of C.R.S. 24-6-402 (4). The Board may choose not to include these legal citations in this policy and instead simply list the topics.

The Board may hold an executive session for the sole purpose of considering any of the following matters:

1. Purchase, acquisition, lease, transfer or sale of any real, personal or other property. However, no executive session shall be held to conceal the fact that a member of the Board has a personal interest in such property transaction. C.R.S. 24-6-402 (4)(a).
2. Conferences with an attorney for the purpose of receiving legal advice on specific legal questions. C.R.S. 24-6-402 (4)(b). The mere presence or participation of an attorney at an executive session shall not be sufficient to satisfy this requirement.
3. Matters required to be kept confidential by federal or state law or regulations. C.R.S. 24-6-402 (4)(c). An announcement will be made indicating the specific

citation to state or federal law which is the reason the matter must remain confidential.

4. Specialized details of security arrangements or investigations. C.R.S. 24-6-402 (4)(d).
5. Determination of positions relative to matters that may be subject to negotiations, development of strategy for negotiations, including strategy for negotiations relating to collective bargaining or employment contracts, and instruction of negotiators. ~~except that a~~ Discussion of negotiations relating to collective bargaining or employment contracts shall occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. 24-6-402 (4)(e).
6. Personnel matters except if an employee who is the subject of an executive session requests an open meeting. C.R.S. 24-6-402 (4)(f). If the personnel matter involves more than one employee, all of the employees must request an open meeting. Discussion of personnel policies that do not require discussion of matters specific to particular employees are not considered "personnel matters."

The Teacher Employment, Compensation and Dismissal Act shall prevail in teacher dismissal hearings. (It provides that a dismissal hearing shall be open unless either the administration or employee requests that the hearing be closed.)

Discussions concerning a member of the Board, any elected official or the appointment of a Board member are not considered "personnel matters."

7. Consideration of any documents protected under the mandatory nondisclosure provision of the Open Records Act, except that consideration of work product documents and documents subject to the governmental or deliberative process privilege must occur in a public meeting, unless an executive session is otherwise allowed. C.R.S. 24-6-402 (4)(g).
8. Discussion of individual students where public disclosure would adversely affect the person or persons involved. C.R.S. 24-6-402 (4)(h).

Only those persons invited by the Board may be present during any executive session regardless of the topic of the session (including personnel matters).

The Board shall cause an electronic recording to be made of the executive session in accordance with applicable law. Such record shall be retained by the Board for 90 days following the session.

(Adoption date)

LEGAL REFS.: C.R.S. 22-32-108 (5) (*meetings of the Board*)
C.R.S. 22-32-108 (5)(d) (*executive session minutes*)
C.R.S. 22-32-109.4 (4) (*Board meeting "at which a collective bargaining agreement is discussed" must be open to the public*)
C.R.S. 24-6-402 (*open meetings law*)

CROSS REFS.: BEDG, Minutes

KDB, Public's Right to Know/Freedom of Information

NOTE 1: School districts must make an "electronic recording" of any executive session, which shall include the specific statutory citation to the executive session law that allows the Board to meet in executive session. However, if the executive session is held to discuss an individual student matter, the Board is not required to make an electronic or written record of the executive session. If the executive session is held to receive legal advice from an attorney on a particular matter, an electronic record must be made of the statutory citation to the executive session law that allows the Board to meet in executive session to receive legal advice, but the Board is not required to make an electronic or written record of the discussion that occurs in the executive session, on the basis that it constitutes privileged attorney-client communication. If no electronic recording is made because the discussion constitutes a privileged attorney-client communication, this must be stated on the electronic recording, or the attorney representing the Board must provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication. The Board should put a procedure in place to assure that the record of any executive session is routinely destroyed once the 90-day deadline expires.

NOTE 2: Each school Board member is required to sign an affidavit stating the Board member is aware of and will comply with the confidentiality requirements and restrictions applicable to executive sessions of the Board, as described in C.R.S. 24-6-402. The affidavit shall be signed at the Board's organizational meeting called pursuant to C.R.S. 22-32-104 (1). The affidavits shall be kept with the minutes of the Board meeting. C.R.S. 22-32-108 (5)(a).

NOTE 3: State law requires the minutes of any Board meeting at which the Board convenes in executive session to be posted on the Board's website not later than 10 business days following the meeting at which the minutes are approved by the Board. C.R.S. 22-32-108 (5)(d). If the Board does not maintain a website, the minutes "must be published in the same manner as the [B]oard regularly provides public notice." Id. The law doesn't specify the length of time that the minutes must remain "posted" or "published." At a minimum, CASB suggests keeping the minutes posted/published for at least 90 days following the meeting at which the executive session occurred. This way, the timeline for posting/publishing is the same as the statutory timeline for the retention of electronic recordings of executive sessions. See, C.R.S. 22-32-108 (5)(d); 24-6-402 (2)(d.5)(II)(E).

NOTE 4: Beginning September 1, 2019, state law permits School Boards to convene in executive session "for the purpose of developing the strategy of the school district for negotiations relating to collective bargaining or employment contracts." C.R.S. 24-6-402 (4)(e)(III). Proposition 104, which was passed by voters in November 2014, continues to prohibit school Boards from "discussing" negotiations relating to collective bargaining or employment contracts in executive session under the negotiations provision. C.R.S. 24-6-402 (4)(e)(II). Thus, a distinction between the "development of strategy" and "discussion" must be made by the Board. ~~was passed by voters in November 2014, prohibits school Boards from convening in executive session to determine positions relative to matters that may be subject to negotiations, develop strategy for negotiations, and instruct negotiators, IF: (1) negotiations relating to collective bargaining are discussed; or (2) negotiations for "employment contracts" are discussed. C.R.S. 24-6-402 (4)(e)(II).~~ School Boards are still allowed to convene in executive session under the "negotiations" provision if such discussion relates to "negotiations for an individual's employment contract." C.R.S. 24-6-402 (4)(e)(II)(B). There may be other instances when the Board may convene in executive session under the negotiations provision, so long as it doesn't involve negotiations concerning "collective bargaining" or "employment contracts."

| **[Revised ~~November 2014~~November 2019]**
COLORADO SAMPLE POLICY 1991©

Revised Sample Policy

File: BEDA

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.

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 if the Board is unable to post notice of a Board meeting online due to exigent or emergency circumstances such as a power outage or an interruption in Internet service. 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 on the district's website 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 such 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 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.

(Adoption date)

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"*)

C.R.S. 24-6-402 (2)(c)(III) ("full and timely notice" requirement is met if district posts notice of meeting on the district's website no less than 24 hours prior to meeting)

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: GBEB

NOTE: Colorado school districts 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 district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

Staff Conduct (And Responsibilities)

All staff members have a responsibility to make themselves familiar with and abide by federal and state laws as these affect their work, and the policies and regulations of the district.

As representatives of the district and role models for students, all staff shall demonstrate and uphold high professional, ethical and moral standards. Staff members shall conduct themselves in a manner that is consistent with the educational mission of the district and shall maintain professional boundaries with students at all times in accordance with this policy's accompanying regulation. Interactions between staff members must be based on mutual respect and any disputes will be resolved in a professional manner.

Rules of conduct

Each staff member shall observe rules of conduct established in law which specify that a school employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially the employee's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the staff member's duties, or which the staff member knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the staff member supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the staff member has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

All staff members shall be expected to carry out their assigned responsibilities with conscientious concern.

It shall not be considered a breach of conduct for a staff member to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities which shall be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Board and regulations of the school administration in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern and attention toward the safety and welfare of students.

Child abuse

All district employees who have reasonable cause to know or suspect that any child is subjected to abuse or to conditions that might result in abuse or neglect must immediately upon receiving such information report such fact in accordance with Board policy and state law.

The superintendent is authorized to conduct an internal investigation or to take any other necessary steps if information is received from a county department of social services or a law enforcement agency that a suspected child abuse perpetrator is a school district employee. Such information shall remain confidential except that the superintendent shall notify the Colorado Department of Education of the child abuse investigation.

Possession of deadly weapons

The Board's policy regarding public possession of deadly weapons on school property or in school buildings shall apply to district employees. However, the restrictions shall not apply to employees who are required to carry or use deadly weapons in order to perform their necessary duties and functions.

Felony/misdemeanor convictions

If, subsequent to beginning employment with the district, the district has good cause to believe that any staff member has been convicted of, pled *nolo contendere* to, or received a deferred or suspended sentence for any felony or misdemeanor other than a misdemeanor traffic offense or infraction, the district shall make inquiries to the Department of Education for purposes of screening the employee.

In addition, the district shall require the employee to submit a complete set of fingerprints taken by a qualified law enforcement agency, an authorized district or BOCES employee, or any third party approved by the Colorado Bureau of

Investigation. Fingerprints must be submitted within 20 days after receipt of written notification. The fingerprints shall be forwarded 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. When the results of the fingerprint-based criminal history record check reveal a record of arrest without a disposition, the district shall require the employee to submit to a name-based criminal history record check.

Disciplinary action, which could include dismissal from employment, may be taken against personnel if the results of fingerprint processing and/or name-based criminal history record check provide relevant information. Non-licensed employees shall be terminated if the results of the fingerprint-based or name-based criminal history record check disclose a conviction for certain felonies, as provided in law.

Employees shall not be charged fees for processing fingerprints under these circumstances.

Unlawful behavior involving children

The district may make an inquiry with the Department of Education concerning whether any current employee of the school district has been convicted of, pled *nolo contendere* to, or received a deferred or suspended sentence or deferred prosecution for a felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children. Disciplinary action, including termination, may be taken if the inquiry discloses information relevant to the employee's fitness for employment.

NOTE: The following paragraph is optional and requires employees to notify the district when they are arrested for specific crimes, in accordance with this policy's accompanying regulation. CASB believes requiring employee notification of arrests reflects "best practices," as it assists the district in becoming aware of potential criminal charges against a district employee that may necessitate employee disciplinary action and parent notification. See, C.R.S. 22-1-130.

Notification concerning arrests

District employees shall notify the district when they are arrested for specific criminal offenses, in accordance with this policy's accompanying regulation.

The district shall notify students' parents/guardians when district employees are charged with specific criminal offenses, as required by state law and in accordance with applicable Board policy.

Personnel addressing health care treatment for behavior issues

School personnel are prohibited under state law from recommending or requiring the use of psychotropic drugs for students. They are also prohibited from testing or requiring testing for a student's behavior without giving notice to the parent/guardian describing the recommended testing and how any test results will be used and obtaining prior written permission from the student or from the student's parent/guardian. See the Board's policy concerning survey, assessment, analysis or evaluation of students. School personnel are encouraged to discuss concerns about

a student's behavior with the parent/guardian and such discussions may include a suggestion that the parent/guardian speak with an appropriate health care professional regarding any behavior concerns.

(Adoption date)

LEGAL REFS.: 28 C.F.R. 50.12 (b) (notification requirements regarding fingerprints)
C.R.S. 18-12-105.5 (unlawful carrying/possession of weapons on school grounds)
C.R.S. 18-12-214 (3)(b) (school security officers may carry concealed handgun pursuant to valid permit)
C.R.S. 19-3-308 (5.7) (child abuse reporting)
C.R.S. 22-1-130 (parent notification of employee criminal charges)
C.R.S. 22-2-119.3 (6)(d) (name-based criminal history record check – definition)
C.R.S. 22-32-109 (1)(ee) (duty to adopt policy prohibiting personnel from recommending certain drugs for students or ordering behavior tests without parent permission)
C.R.S. 22-32-109 (1)(pp) (annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs)
C.R.S. 22-32-109.1 (8) (policy requiring inquiries upon good cause to department of education for purpose of ongoing screening of employees)
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.8 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check)
C.R.S. 22-32-109.8 (6)(a) (requirement to terminate non-licensed employees for certain felony offenses)
C.R.S. 22-32-109.9 (licensed personnel – submittal of fingerprints and name-based criminal history record check)
C.R.S. 22-32-110 (1)(k) (power to adopt conduct rules)
C.R.S. 24-18-104 (government employee rules of conduct)
C.R.S. 24-18-109 (local government employee rules of conduct)
C.R.S. 24-18-110 (voluntary disclosure)

CROSS REFS.: JLC, Student Health Services and Records
JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)
JLF, Reporting Child Abuse/Child Protection
KDBA*, Parent Notification of Employee Criminal Charges
KFA, Public Conduct on District Property

NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the district employee's personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104(2). However, state law permits a district employee to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the employee does not receive any substantial benefit resulting from the employee's status that is unavailable to members of the public generally. C.R.S. 24-18-104(2)(b).

NOTE 2: State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a district employee to receive. See, C.R.S. 24-18-104(3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than ~~\$5965~~), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. Id.; see also, Colo. Const. Art. XXIX, Section 3.

NOTE 3: The amount of the gift limit (~~\$5965~~) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203(8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of ~~2019~~2023. Colo. Const. Art. XXIX, Section 3 (6).

NOTE 4: Federal law requires school districts to notify employees fingerprinted pursuant to this policy that the fingerprints will be used to check the criminal history records of the Federal Bureau of Investigation (FBI). Districts must also notify fingerprinted employees 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.

NOTE 5: State law requires school districts to annually distribute to employees "informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education." C.R.S. 22-32-109 (1)(pp). Distribution to employees may be made via e-mail "or as part of a mailing or regular communication to employees" Id.

Revised Sample Policy

File: GCE/GCF

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.

Professional Staff Recruiting/Hiring

Recruiting

The Board desires the superintendent to develop and maintain a recruitment program designed to attract and hold the best possible professional personnel in the district's schools.

It is the responsibility of the superintendent, with the assistance of other administrators, to determine the personnel needs of the district in general and of each individual school and to locate suitable candidates to recommend to the Board for employment. The search for good teachers and other professional personnel shall extend to a wide variety of educational institutions and geographical areas. It shall take into consideration the diverse characteristics of the school system and the need for staff members of various backgrounds.

Recruitment procedures shall not overlook the talents and potential of individuals already employed in the district's schools. Any present employee of the district may apply for a position for which he or she is licensed and/or meets other stated requirements.

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.

Hiring

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

All candidates shall be considered on the basis of their merits, qualifications and the needs of the school district.

All interviewing and selection procedures shall ensure that the administrator directly responsible for the work of a staff member has an opportunity to aid in the selection and that, where applicable, the school principal has an opportunity to consent.

Unless otherwise required by law, the final selection for nomination shall be made only by the superintendent.

Appointment of candidates

Nominations shall be made at meetings of the Board of Education. The vote of a majority of the Board shall be necessary to approve the appointment of teachers, administrators or any other employee of the school district. If there is a negative vote by the Board, the superintendent shall submit a new recommendation to the Board for approval.

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.

(Adoption date)

LEGAL REFS.: 15 U.S.C. 1681 *et seq.* (Fair Credit Reporting Act)
20 U.S.C. 6312 (c)(6) (teacher licensure requirements under Every Student Succeeds Act)
42 U.S.C. 653 (a) (Personal Responsibility and Work Opportunity Reconciliation Act)
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 (inquiries prior to hiring)
C.R.S. 22-2-119.3 (6)(d) (name-based criminal history record check – definition)
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
C.R.S. 22-32-109 (1)(pp) (annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs)
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.8 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check)
C.R.S. 22-32-126 (principal's role in hiring and assignment)
C.R.S. 22-60.5-114 (3) (State Board can waive some requirements for initial license applicants upon request of school district)
C.R.S. 22-60.5-201 (types of teacher licenses issued)
C.R.S. 22-61-101 (prohibiting discrimination)
C.R.S. 22-61-103 (requirement for teacher's oath or written pledge)
C.R.S. 22-63-201 (licensure required)
C.R.S. 22-63-202 (employment contracts and mutual consent placement)
C.R.S. 22-63-206 (transfers)
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)
C.R.S. 24-72-202 (4.5) (definition of personnel file in open records law)

CROSS REFS.: GBA, Open Hiring/Equal Employment Opportunity
GCKAA*, Teacher Displacement

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

NOTE 2: State law requires public school teachers to take an oath/affirmation or sign a written pledge that states the following: "I solemnly (swear) (affirm) (pledge) that I will uphold the constitution of the United States and the constitution of the state of Colorado, and I will faithfully perform the duties of the position I am about to enter." C.R.S. 22-61-103 (1). A person authorized to administer oaths in Colorado shall administer the oath or affirmation, or the teacher must sign the pledge. C.R.S. 22-61-103 (2). The Colorado Department of Education has stated that a school district's hiring officials must ensure that teachers take the oath orally or in writing at the time of hiring or during the signing of the teacher's contract.

NOTE 3: State law requires school districts to annually distribute to employees "informational materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education." C.R.S. 22-32-109 (1)(pp). In addition to annual distribution, school districts must "distribute the informational materials to newly hired district employees as part of its employee orientation process." Id. Distribution to employees may be made via e-mail "or as part of a mailing or regular communication to employees" Id.

Revised Sample Policy

File: CBF

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.

Superintendent's Conduct

The superintendent shall observe rules of conduct established in law which specify that a school district employee shall not:

1. Disclose or use confidential information acquired in the course of employment to further substantially the superintendent's personal financial interests.
2. Accept a gift of substantial value or substantial economic benefit tantamount to a gift of substantial value which would tend to improperly influence a reasonable person in the position to depart from the faithful and impartial discharge of the superintendent's duties or which the superintendent knows or should know is primarily for the purpose of a reward for action taken.
3. Engage in a substantial financial transaction for private business purposes with a person whom the superintendent supervises.
4. Perform an action which directly and substantially confers an economic benefit tantamount to a gift of substantial value on a business or other undertaking in which the superintendent has a substantial financial interest or is engaged as counsel, consultant, representative or agent.

It shall not be considered a breach of conduct for the superintendent to:

1. Use school facilities and equipment to communicate or correspond with constituents, family members or business associates on an occasional basis.
2. Accept or receive a benefit as an indirect consequence of transacting school district business.

(Adoption date)

LEGAL REFS.: C.R.S. 18-8-308 (*disclosure of pecuniary conflicts of interest*)
C.R.S. 22-32-110 (1)(k) (*power to adopt conduct rules*)
C.R.S. 24-18-104 (*government employee rules of conduct*)
C.R.S. 24-18-109 (*local government employee rules of conduct*)

NOTE 1: State law defines "economic benefit tantamount to a gift of substantial value" to include: 1. A loan at a rate of interest substantially lower than the prevailing commercial rate; 2. Compensation received for private services rendered at a rate substantially exceeding the fair market value; and 3. Goods or services for the district employee's personal benefit offered by a person who is at the same time providing goods or services to the district under a contract or other means by which the person receives payment or other compensation from the district. C.R.S. 24-18-104 (2). However, state law permits a district employee to receive such goods or services if the "totality of the circumstances" indicates the transaction is legitimate, the terms are fair to both parties, the transaction is supported by full and adequate consideration, and the employee does not receive any substantial benefit resulting from the employee's status that is unavailable to members of the public generally. C.R.S. 24-18-104 (2)(b).

NOTE 2: State law lists the type of items that are not considered "gifts of substantial value or substantial economic benefit tantamount to a gift of substantial value" and are therefore permissible for a district employee to receive. See, C.R.S. 24-18-104 (3). Such items include campaign contributions or contributions in kind that are reported in accordance with the Fair Campaign Practices Act; an unsolicited item of trivial value (i.e. currently less than ~~\$65-59~~), "such as a pen, calendar, plant, book, notepad or similar item;" and an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item. *Id.*; see also, Colo. Const. Art. XXIX, Section 3.

NOTE 3: The amount of the gift limit (~~\$65-59~~) is identical to the gift limit under section 3 of article XXIX of the state constitution. This amount shall be adjusted for inflation contemporaneously with any adjustment to the constitutional gift limit. C.R.S. 24-6-203 (8). The state constitution requires an adjustment for inflation every four years. The next adjustment must occur in the first quarter of 2019. Colo. Const. Art. XXIX, Section 3 (6).

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 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.

(Adoption date)

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. 22-2-119.3 (6)(d) (name-based criminal history record check – definition)
C.R.S. 22-32-109 (1)(f) (Board duty to employ personnel)
C.R.S. 22-32-109 (1)(pp) (annual employee notification requirement regarding federal student loan repayment programs and student loan forgiveness programs)
C.R.S. 22-32-109.7 (duty to make inquiries prior to hiring)
C.R.S. 22-32-109.8 (non-licensed personnel – submittal of fingerprints and name-based criminal history record check~~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>.

NOTE 3: State law requires school districts to annually distribute to employees “informational

materials related to federal student loan repayment and student loan forgiveness programs, including updated materials received from the department of education.” C.R.S. 22-32-109 (1)(pp). In addition to annual distribution, school districts must “distribute the informational materials to newly hired district employees as part of its employee orientation process.” Id. Distribution to employees may be made via e-mail “or as part of a mailing or regular communication to employees” Id.

Strasburg School District 31J
56729 East Colorado Avenue
Strasburg, CO 80136
Minutes of the Special Meeting of the Board of Education
December 4th, 2019 (6:00 P.M.) – SHS – East Video Conference Room #110

CALL TO ORDER:

Meeting was called to order at 6:00 P.M. by Board President, John Sampson

ATTENDANCE: (Roll Call)

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

Others present were Monica Johnson (Superintendent of Schools), Stephanie Velez (Secretary to the BOE), School Administration and other members of the school district and public.

PLEDGE OF ALLEGIANCE: Mr. Michael Marrero

AGENDA APPROVAL:

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

AYE: Lybarger, Marrero, Sampson, Taylor, Winter

NAY: NONE – MOTION CARRIED 5-0

RECOGNITION OF BOARD MEMBERS:

Superintendent Johnson thanked Nancy Taylor and Connie Lybarger for their years of service on our Board of Education.

SWEARING IN OF NEW BOARD MEMBERS:

Newly elected Board Members, Diana Elliott, Dillon Kent and Michael Marrero were sworn in by Business Manager Georgia Steele.

ELECTION OF BOARD OF EDUCATION:

On a motion by John Sampson it is hereby recommended that Julie Winter be appointed Board President.

AYE: Lybarger, Marrero, Sampson, Taylor, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by Julie Winter it is hereby recommended that Michael Marrero be appointed Board Vice President.

AYE: Lybarger, Marrero, Sampson, Taylor, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by Michael Marrero it is hereby recommended that John Sampson be appointed Board 2nd Vice President.

AYE: Lybarger, Marrero, Sampson, Taylor, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by Julie Winter it is hereby recommended that Diana Elliott be appointed Board Secretary.

AYE: Lybarger, Marrero, Sampson, Taylor, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by Julie Winter it is hereby recommended that Dillon Kent be appointed Board Treasurer.

AYE: Lybarger, Marrero, Sampson, Taylor, Winter

NAY: NONE – MOTION CARRIED 5-0

ADJOURNMENT:

John Sampson, President

Date

Julie Winter, Treasurer

Date

Strasburg School District 31J
56729 East Colorado Avenue
Strasburg, CO 80136
Minutes of the Board of Education
December 11th, 2019 (7:00 P.M.) – SHS – East Video Conference Room #110

CALL TO ORDER:

Meeting was called to order at 6:00 P.M. by Board President, Julie Winter. Superintendent Johnson quickly outlined the new agenda format.

ATTENDANCE: (Roll Call)

Board members present were: Diana Elliott, Dillon Kent, Michael Marrero, John Sampson, and Julie Winter

Others present were Monica Johnson (Superintendent of Schools), Stephanie Velez (Secretary to the BOE), School Administration and other members of the school district and public.

PLEDGE OF ALLEGIANCE: Mr. Michael Marrero

AGENDA APPROVAL:

On a motion by John Sampson and seconded by Michael Marrero, it is hereby resolved to approve the Amended Agenda.

AYE: Elliott, Kent, Marrero, Sampson, Winter

NAY: NONE – MOTION CARRIED 5-0

INFORMATION FROM SUPERINTENDNET AND DEPARTMENT REPORTS

SHS Principal Jeff Rasp reported to the BOE on the importance and success of Senior meetings, how it was split up among 3 staff administrators, himself, Ginia Gutierrez and SHS Counselor Stacy McElvaney. SHS Senior Emily Johnson also addressed the BOE on the importance of the meetings. Principal Rasp then updated the BOE on the graduation rates and percentage of students who attend post-secondary education, military service and trades.

Superintendent Johnson gave the BOE a review of the recent survey that was sent out to all addresses in our school district regarding the recent bond that failed to pass. There were approximately 200 survey's returned or responded to electronically so far with a closing date of 12/20/19.

BOARD CORRESPONDENCE/REPORTS:

Board member John Sampson resigned his position effective immediately following this meeting.

Board members Diana Elliott, Dillon Kent and Micheal Marrero all attended the CASB conference in December and discussed the importance of continued participation and the education value of the conference especially for new board members.

BOARD ACTION ITEMS-CONSENT GROUPINGS:

On a motion by John Sampson and seconded by Michael Marrero, it is hereby resolved to approve the personnel items as presented.

AYE: Elliott, Kent, Marrero, Sampson, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by John Sampson and seconded by Michael Marrero, it is hereby resolved to approve the minutes, claims and financials from the November 13th, 2019 meeting.

AYE: Marrero, Sampson, Winter

NAY: Elliott, Kent – MOTION CARRIED 3-0

BOARD ACTION ITEMS-NON-CONSENT GROUPINGS:

On a motion by John Sampson and seconded by Michael Marrero, it is hereby resolved to approve the Certification of Valuation (Mill Levy Certification) as presented.

AYE: Elliott, Kent, Marrero, Sampson, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by John Sampson and seconded by Michael Marrero, it is hereby resolved to approve Policy BCB-Board Conflict of Interest with the following change; substitute teaching will be an exception to this policy and policy will be changed to reflect this.

AYE: Elliott, Kent, Marrero, Sampson, Winter

NAY: NONE – MOTION CARRIED 5-0

On a motion by John Sampson and seconded by Michael Marrero, it is hereby resolved to approve Board member Diana Elliott as the school districts BOCES representative.

AYE: Elliott, Kent, Marrero, Sampson, Winter

NAY: NONE – MOTION CARRIED 5-0

AGENDA SETTING:

Future agenda topics discussed were: School programs such as NHS and gifted and talented, recruitment of new teachers, vaping, health and safety, teacher scholarships.

January 2020 meeting date was changed to January 15th, 2020

ADJOURNMENT:

Julie Winter, President

Date

Dillon Kent, Treasurer

Date

Resolution to Declare a Vacancy

Be it resolved that the Board of Education of Strasburg 31J School District accepts the resignation of John Sampson from the Board of Education Effective January 15, 2020; and

Be it further resolved that, in accordance with state law, the Board declares a vacancy in this school director office that will be filled by appointment by the Board within 60 days in accordance with the following procedure:

1. Interested persons are invited to send a letter to the Board with a statement of interest and qualifications by February 3, 2020.
2. The Board will interview prospective candidates on February 12, 2020 at a public meeting.
3. To be eligible for appointment, a candidate must be a registered elector of the school district and a resident of the director district in which the vacancy exists.
4. The appointee will serve until the next regular school biennial election in November 2021.