

Discipline, Suspension and Dismissal of Support Staff

Support staff employees, unless otherwise designated by contract, are considered “at will” employees who serve at the pleasure of the Board and will have only those employment rights expressly established by Board policy. Support staff members will be employed for such time as the district is in need of, or desirous of, the services of such employees.

The Board delegates to the superintendent the authority to dismiss classified personnel. The superintendent may delegate this authority to other appropriate personnel such as the director of personnel. All dismissals of classified employees must be reported to the Board at its next regular meeting.

The superintendent also may suspend employees from their assignments as a disciplinary measure, with or without pay.

If an employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, or an allegation of a sexual act involving a student who is 18 year of age or older, regardless of whether the student consented to the sexual act, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but no later than ten (10) business days after such dismissal or resignation.

The superintendent must provide any information requested by the department concerning the circumstances of the dismissal or resignation. The district also shall notify the employee that information concerning the dismissal or resignation is being forwarded to CDE.

If the district learns that a current employee has been convicted of, pled *nolo contendere* to, or received a deferred sentence or deferred prosecution for any felony or misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the superintendent must immediately report this information to CDE.

The district will not obtain consumer credit reports on a current employee unless the district is evaluating the employee for promotion, reassignment or retention. In all cases where credit information or reports are obtained and/or relied upon for purposes of reassigning, terminating or denying the promotion of an employee, the district must comply with the Fair Credit Reporting Act and applicable state law.

Adopted: February 2, 1994
Revised: June 28, 2000
Revised: August 26, 2009
Revised: October 26, 2011
Revised: December 5, 2013
Revised: June 4, 2020
Revised: December 8, 2021

LEGAL REFS.: 15 U.S.C. 1681 et seq. (*Fair Credit Reporting Act*)
20 U.S.C. 7926 (*ESSA prohibition against employment assistance for school employees who have engaged in sexual misconduct with a student or minor*)
C.R.S. 8-2-126 (*limits employers' use of consumer credit information*)
C.R.S. 19-3-301 et seq. (*Child Protection Act of 1987*)
C.R.S. 22-2-119 (*duty to make inquiries prior to hiring*)

C.R.S. 22-32-109.7 (*specific duties regarding hiring inquiries and reporting*)
C.R.S. 22-32-110 (1)(h) (*power to discharge/terminate employment*)
C.R.S. 22-32-126 (3) (*principals recommend employment actions*)

CROSS REF.: GD, Support/Classified Staff

Fountain-Fort Carson School District #8, Fountain, Colorado