

STAFF CONDUCT AND PROFESSIONAL RESPONSIBILITIES

The Colorado Springs School District 11 Board of Education (the Board) believes all staff members have a responsibility to make themselves familiar with the federal and state laws, and Board policies and regulations, that govern their work.

As representatives of Colorado Springs School District 11 (the District) and role models for students, all staff must demonstrate and uphold high professional, ethical, and moral standards. Staff members must conduct themselves in a manner consistent with the educational mission and vision of the District.

To this end, District staff will:

1. Maintain professional staff/student relationships and boundaries consistent with their professional code of conduct and obligations. All staff are prohibited from any type of inappropriate physical contact with a student or any other conduct considered harassment under Board policy.
2. Communicate with students for legitimate educational interests. Communication with students shall not infringe on a student's right to privacy.
3. Communicate with parents/guardians to support the education of the student as enumerated in the District's Parent Partnership principles.
4. Observe and uphold proper professional relationships. Interaction between staff members shall be based on mutual respect and disputes shall be resolved in a professional manner.
5. Protect and properly use confidential information acquired in the course of employment. Staff members shall not use confidential information to further substantially the employee's personal financial interests.
6. Avoid conflicts of interest. Staff will not accept gifts 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.
7. Perform their duties in a manner that does not directly and substantially confer 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. This includes any action which would provide a substantial financial benefit for private business purposes with a person whom the staff member supervises.

All staff members are also expected to carry out their assigned responsibilities with conscientious concern. Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which are 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; and
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 must remain confidential except that the superintendent must notify the Colorado Department of Education of the child abuse investigation.

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, an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, 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.

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.

Possession of Deadly Weapons

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

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 must make inquiries to the Department of Education for purposes of screening the employee.

In addition, the district must 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 must 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 must require the employee to submit to a name-based criminal history record check. Criminal history record information must be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities.

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 must 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 must not be charged fees for processing fingerprints under these circumstances.

Notification Concerning Arrests

An employee's criminal misconduct may constitute a violation of Board policy. Such criminal misconduct may also necessitate disciplinary action against the employee and require the district to notify students' parents/guardians of the employee's criminal charges in accordance with state law.

In an effort to keep the district apprised in a timely manner of potentially concerning behavior by its employees, an employee who is arrested for any of the following criminal offenses shall provide written notice to the superintendent or designee. Such notice shall be provided prior to reporting to duty in the district and no later than five days after the employee's arrest.

The required notice applies to the following criminal offenses defined in state law:

- felony child abuse;
- a crime of violence, except second degree assault, unless the victim is a child;
- a felony involving unlawful sexual behavior;
- felony domestic violence;
- felony indecent exposure; or
- a level 1 or level 2 felony drug offense.

Upon receiving notification of an employee's arrest for one or more of the above-listed criminal offenses, the district may conduct further investigation as it deems necessary and/or refer the matter to the Colorado Department of Education. Disciplinary action, including dismissal, may be taken against the employee as deemed appropriate by the district, in accordance with applicable law and Board policy.

The district must 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.

Reporting Violations and Disciplinary Action

Staff members shall promptly notify the principal or superintendent if they become aware of a situation that may constitute a violation of this policy. Depending on the specific circumstances of the allegations or suspicions, staff members may have a mandatory duty under state law to report the violation(s) as child abuse, in accordance with applicable Board policy.

Students and their parents/guardians should notify the principal or superintendent if they believe a teacher or other staff member may be engaging in conduct that violates this policy. In determining whether a violation of professional boundaries has occurred, the district shall consider the totality of the circumstances, including the nature and extent of the conduct involved, the job description and duties of the employee, the employee's intent or purpose in engaging in the conduct, and whether the conduct caused harm to the student or adversely affected the education of students.

Persons reporting in good faith regarding alleged violations or suspected violations of this policy shall not be subjected to retaliation in any form.

Adopted: May 23, 2023

LEGAL REFS.: 28 C.F.R. 50.12 (b)
C.R.S. 16-22-102(9)
C.R.S. 18-1.3-406(2)
C.R.S. 18-6-401
C.R.S. 18-6-800.3
C.R.S. 18-7-302
C.R.S. 18-12-105.5
C.R.S. 18-12-214 (3)(b)
C.R.S. 18-18-401 et seq
C.R.S. 19-3-308 (5.7)
C.R.S. 22-1-130

C.R.S. 22-2-119.3 (6)(d)
C.R.S. 22-32-109 (1)(ee)
C.R.S. 22-32-109 (1)(pp)
C.R.S. 22-32-109.1 (8)
C.R.S. 22-32-109.7
C.R.S. 22-32-109.8
C.R.S. 22-32-109.8 (6)(a)
C.R.S. 22-32-109.9
C.R.S. 22-32-110 (1)(k)
C.R.S. 24-18-104
C.R.S. 24-18-109
C.R.S. 24-18-11

CROSS REFS.: AC, Non-Discrimination/Equal Opportunity
AD, District Mission and Vision
AKB, Parent Partnership
CCB, Line and Staff Relations
GBD, Board Communications with Staff
GBAA Employee Sexual and Racial Harassment
GBEA, Staff Ethics/Conflict of Interest
GBEBC, Gifts to and Solicitations by Staff
GBEC, Drug and Alcohol-Free Workplace
GBI, Criminal History Record Information
JLC, Student Health Services and Records
JLDAC, Screening/Testing of Students (And Treatment of Mental Disorders)
JLF, Reporting Child Abuse/Child Protection
JRA/JRC, Student Records/Release of Information/Student Data Privacy
KB, Parent/Guardian Engagement in Education
KBA, Parent/Guardian and Family Engagement in Title I Education
KDBA, Parent Notification of Employee Criminal Charges
KFA, Public Conduct on District Property
LC, Research Projects, Studies, Experiments, and Surveys

CONTRACT REFS.: Colorado Springs Education Association Master Agreement
Executive Professional Meet and Confer Handbook
Education Support Professionals Meet and Confer Handbook