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## **The Academy Board of Directors**

*Executive Work Session  
Monday, August 26, 2024  
5:30 – 6:55pm*

### Agenda

Monthly Board Communications Review 15 Minutes

*Expectation: Each month, Board members will acknowledge and discuss any community feedback or complaints that have been received since the last meeting.*

Ongoing Policy Review 30 Minutes

*Expectation: The Board will review one policy each month and update as needed for compliance and alignment with the school mission and vision. This month we will review the Harassment Policy.*

Board Self-Evaluation Revisions 40 Minutes

*Expectation: The Executive Director will update Board members on progress through The Academy's charter renewal process.*



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## The Academy Board of Directors

*Board Meeting*  
*Monday, June 10, 2024*  
*7:00pm*

### Agenda

- I. Open Meeting  
The Academy's mission is to help all students grow into college ready, exemplary citizens by combining academic mastery with personal empowerment to drive lifelong success. We serve our full community by intentionally developing a school culture that embraces diversity, equity, and inclusion. With this in mind, the Board of Directors welcomes all members of our community to this meeting and invites each person to begin our time together in whatever way will help ground you for thoughtful and productive discussion - a few deep breaths, a prayer, a moment to organize your thoughts, or whatever meets your needs.
- II. Consent Agenda
  - a. Approve Agenda
  - b. Approval of [July 29, 2024](#), minutes
- III. Public Comment  
*The chairperson will recognize anyone who signs the request form before the meeting time. Public comment and input shall be limited to fifteen minutes total, ten minutes per topic, and 2 minutes per speaker. Neither Board members nor Academy staff is obligated to respond to comments or input. The Board will provide written responses as deemed appropriate.*
- IV. Reports from Directors, Principals, and Committees
  - a. [Executive Director Report](#) – *Expectation: The ED will update the Board on the start of the new school year as well as progress toward financial and operational strategic priorities.*
  - b. [Chief Academic Officer Report](#) - *Expectation: The CAO will update the Board on the start of the new school year as well as progress toward instructional and cultural strategic priorities.*
  - c. Committee Reports – *Expectation: Committee Chairs will update the Board on progress with each committee.*
    - i. Finance – No Finance Committee meeting this month.
    - ii. SACademic – No SACademic Committee meeting this month.
    - iii. [PTO](#) – See PTO meeting minutes.
- V. Presentation and Discussion
  - a. [2024-25 Bi-Annual Scorecard](#) – *Expectation: The Board will finalize the contents of the 24-25 scorecard.*

- b. Update on State-Level Data - *Expectation: The ED will update the Board on the recent release of state-level student achievement data from spring 2024 testing.*
- c. Enrollment Data Review - *Expectation: The ED will present current enrollment data in the context of recent historical trends.*
- d. [Reimbursement Resolution](#) - *Expectation: The Board will discuss a draft reimbursement resolution pertaining to upcoming facilities development work.*
- e. [Updated Physical Intervention, Restraints, and Seclusion Policy](#) – *Expectation: The Board will discuss recommended updates to the Physical Intervention, Restraints, and Seclusion Policy in alignment with changes to state statute.*
- f. [Review Student Data Security Policy](#) – *Expectation: The Board will discuss annual renewal of the Student Data Security Policy.*
- g. Executive Session C.R.S. §24-6-402(4) – *Expectation: As needed, the Board may call an executive session for one of the specific topics identified below via a 2/3 majority.*
  - i. Discussions regarding buying or selling property;
  - ii. Conferences with an attorney to receive legal advice;
  - iii. Matters required to be kept confidential by state or federal law (e.g., student academic records);
  - iv. Security arrangements or investigations;
  - v. Determining contract negotiation strategies;
  - vi. Personnel matters;
  - vii. Consideration of documents protected from disclosure under the Open Records Act; or
  - viii. Discussion of individual students where public discussion would adversely affect the student involved.
- h. Work Session Summary – *Expectation: The Board Chair will summarize the topics discussed during the work session prior to this formal meeting.*

VI. Executive Summary

- a. [Reimbursement Resolution](#) - *Expectation: The Board will vote to approve the proposed Reimbursement Resolution.*
- b. [Physical Intervention, Restraints, and Seclusion Policy](#) Approval – *Expectation: The Board will vote to approve updates to this policy in alignment with changes to state statute.*
- c. [Student Data Security Policy Approval](#) (annual requirement – no changes to the policy) – *Expectation: The Board will vote for annual approval of this policy.*

VII. Board Meeting Self-Scoring – *Expectation: The board will self-score their performance for the meeting according to preset criteria.*

Scoring Rubric	
1	Unsatisfactory
2	Satisfactory, looking for significant improvement
3	Satisfactory, improving but still below expectations
4	Efficient meeting, meets expectations

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VIII. Adjourn Meeting

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Board of Directors  
Board Meeting Minutes  
Monday, July 29, 2024

Board Members Present:

Sarah Drewlow	Chairperson
Dan Klenjoski	Treasurer
Kristen Cofrades	Board Member
Kevin Sanchez	Board Member
Autumn Coffee	Secretary
Amy McDuffee	Vice Chairperson
Larissa Fransua	Board Member

Also Present:

Brent Reckman	Executive Director
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Minutes of the regular board meeting of The Academy held at 11800 Lowell Blvd, Westminster, CO 80031 in Adams County on July 29, 2024.

I. Open Meeting

A quorum being present, Mrs. Drewlow called the meeting to order at 8:00 am.

II. Consent Agenda

a. Mrs. McDuffee moved to approve the June 10, 2024, minutes. Seconded by Ms. Fransua.

Discussion:	None
Ayes:	Mrs. Cofrades, Mr. Klenjoski, Mr. Sanchez, Mrs. Coffee
Nays:	None
Abstention:	Mrs. Drewlow, because she missed the June meeting

III. Public Comment

There was no public comment this month.

IV. Reports from Directors, Principals, and Committees

a. Executive Director Report

- i. Instruction and Culture – We will have a full update in the June meeting. We are waiting for the semester to officially end before asking for principal updates.
- ii. Enrollment Update – We are in the same basic spot as we were in April. We have run another Facebook ad targeting families with lower elementary children.
- iii. Facilities Master Plan Update – We have nothing new to report. We are set to begin the bathroom demo on Tuesday, May 28.

b. Finance Committee

- i. As far as the legislative session is concerned, there are no boxes left unchecked as they relate to charter schools; this is very good news.

- ii. We have asked principals to spend their supply budgets by purchasing items for next year.
    - iii. 2024-2025 Budget – The proposed budget was presented. There are very few changes to note.
  - c. SACademic Committee – No meeting in April.
  - d. PTO – The May minutes were included, but no additional comments were made.
- V. Annual Work Plan and Scorecard
  - a. Strategic Plan – We continue to strive toward our goals relating to academics and culture. We have seen growth in each of the last three years.
  - b. Principal Presentations – Each of the level principals took time to share their goals and how they plan to implement those goals throughout the year.
- VI. Governing for Greatness
  - a. 2023-2024 Self-Evaluation – We had multiple wins from this past year including moving forward with the facilities master plan, transitioning new leadership, and continuing with succession planning.
- VII. Presentation and Discussion
  - a. Review of the Board Manual – We reviewed and signed the Oath of Office and Profile Agreement.
  - b. Title IX Training – The board has three main responsibilities: help create conditions for equality, refer items to the school leadership, and support the school leadership.
  - c. We reviewed the fiduciary duties of the board.
  - d. We reviewed the open meetings law criteria.
  - e. The board officer roles were clarified.
  - f. If people are interested in additional training, two specific opportunities are the League’s annual conference and the CSI references.
- VIII. Board Meeting Self-Scoring Board Self-Scoring – Today’s meeting was both efficient and met expectations, so the score is 4.
- IX. Adjourn Meeting

Mrs. Drewlow adjourned the meeting at 12:05 pm.

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## **Executive Director Board Report – August 2024 Meeting**

*Expectation: Share information about ongoing implementation of initiatives in support of the Finance & Operations section of The Academy's 5-year Strategic Plan and other Board priorities.*

### **Finance & Operations**

The Board will finalize the 2024-25 Data Dashboard at the August meeting. The Executive Director and Director of Operations will present a mid-year update as it pertains to the Bi-Annual Finance & Operations Scorecard at the semester break.

[Finance & Operations Scorecard linked here.](#)

We are poised for an exciting year from the Finance & Operations perspective. We have already accomplished a great deal of facilities upgrade work over the summer, and we are moving forward with Construction Documents for the planned renovation and expansion projects to start next summer. The sections below are intended to keep the Board updated on our progress with those efforts.

### **Summer Facilities Work Update**

This summer was exceptionally busy across the two campuses, with over 40 projects completed. Among the most notable are the student bathrooms, new promethean boards in all secondary classrooms, new carpet on the south side of the building, new furniture in the high school classrooms, and completing substantial network and infrastructure upgrades.

The team sorted and delivered seven pallets of curriculum, changed filters in over 200 air purifiers, shampooed carpet, and waxed floors. Although we are still working on a few tasks, the team did a fantastic job getting us ready for the first day of school.

### **Enrollment Update**

To start the 24-25 school year, our PK-12 enrollment currently sits at 1910 (1871 K-12). Those numbers were 1883 (1846 K-12) at this time last year. Historically, there is still a lot of movement on enrollment numbers through the month of September, including confirming students who were registered but never showed up, welcoming exchange students, and continuing to enroll new students from the wait list as openings arise. The 24-25 budget is based on 1875 (40 PK and 1835 K-12).

### **Finance Committee Minutes**

No Finance Committee meeting in August. The next meeting will be on September 19<sup>th</sup>.

## **Finance Report Review**

No Finance Report in August. The next report will be presented in the September Board meeting.

## **Facilities Master Plan Update**

Work is moving forward steadily on the planned building renovation and expansion projects. The Academy's architect (HCM) completed the Design Development phase in July. Our contractor (JHL) is wrapping up the process of updating cost projections, with current numbers all coming in at or below previous bids. Work on Construction Documents is beginning now. We have begun submitting a list of diligence items to Sunflower Bank as part of our application for financing. The remaining documents will be submitted by early September, at which point the bank will provide an official response to our request for funds. All work is proceeding on schedule.

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## **Chief Academic Officer Board Report – August 2024 Meeting**

*Expectation: Share information about ongoing implementation of initiatives in support of the Instruction & Culture section of The Academy's 5-year Strategic Plan and other Board priorities.*

### **Instruction & Culture Scorecard**

Principals presented their 2024-25 Annual Work Plans to the Board at the July Retreat. The Board will finalize the 2024-25 Data Dashboard at the August meeting. Students are currently in the process of completing baseline assessments (Star & MAPs) to start the year. Principals will present on their beginning-of-year data as it pertains to the Bi-Annual Instruction & Culture Scorecard at the October Special Meeting.

#### Scorecard

CAO has been visiting each classroom and stopping in classrooms throughout the first couple weeks of school. Students and staff are settling in well and the start of the year felt smooth and positive. CAO has also started recurring meetings and trainings with various student support teams and level principals to continue to build capacity and bandwidth.

### **CAO Strategic Initiatives**

#### Big Rock 1 - Declining Growth Among Students Identified with READ Plans

K-5 Literacy Interventionists are getting ready to complete Acadience Testing to identify and plan interventions for students identified with READ plans. Upper elementary interventionists are getting trained in Level 2 of Orton Gillingham reading instruction. This training is specific for upper elementary and older students.

#### Big Rock 2 Declining Growth in Elementary Math

K-5 Elementary teachers are setting up systems and routines during their math block. These routines will include dedicated small group targeted instruction math time. All grades have begun their curriculum and are developing these routines/structures. Students are testing in STAR math and taking pre assessments. Teachers will use this data to determine groups and skills needed.

#### Big Rock 3 Low Growth in Middle School and High School Math

High school purchased Math 180 intervention curriculum. Students who are identified as needing more significant math intervention are enrolled in this year-long course.



Middle School has a dedicated math interventionist who has started pushing into classrooms to support students and teachers. Middle School will be taking MAPS to determine skill need areas and identify specific students and support needs.

Big Rock 4- Low Growth in Middle School Reading

Middle School has a dedicated literacy interventionist who has started pushing into classrooms to support students and teachers. Middle School will be taking MAPS to determine skill need areas and identify specific students and support needs.

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The Academy of Charter Schools  
PTO Meeting Minutes  
May 2, 2024

Call to Order:

A meeting of The Academy of Charter Schools PTO was called to order on Wednesday, August 7, 2024, at 6:00 pm by Steph Pearl.

Attendees:

Steph Pearl, President

Nikki Roma, Co-Vice President

Ioana Makkai-Dutchievici, Co-Vice President

Susan Wagar, Secretary

Kate Karnik, Hospitality Coordinator

Kevin Utile, Fundraising Coordinator

Tammy Hahs

Stephanie Bean Keller

Monique Morgen

Carley

Approval of Minutes:

Kate Karnik made a motion to approve the May 2, 2024, minutes as presented. Nikki Roma seconded the motion, and it passed.

Upcoming Events:

- Staff Breakfast – August 7
  - This was earlier today, and the PTO provided drinks for the staff.
- Popsicle Parties
  - The PTO is providing the popsicles for the kinder parties, and we are giving each student a t-shirt to start them off right for spirit days.
- Welcome Back Celebration – August 16
  - We will be playing the Bingo game with the students and staff.
  - The Academy will provide \$150 worth of candy for the event.
  - We'll have a selfie station set up, and Rowdy will be available for pictures.
  - Nikki is working on the décor.
  - Susan is working on the booths.
  - Kevin and Ioana are working on the food and drinks.
  - We're working on volunteers, presales, and final details.

Spirit Nights

- We have one on Tuesday, August 27, at Home Deli.
- We have Chick-fil-A scheduled for September and May.
- Kevin has multiple other places willing and will be finalizing dates for those.

Finance Report:

- We're in a good spot financially. We've been able to purchase some swag to sell as well as some items for advertising and displaying the swag.
- We are going to reinvest the profit we make from swag into more swag.
- We have the opportunity to have Build-a-Mascot at the holiday bazaar. Everyone was in favor of securing them.

The meeting adjourned at 7:00 pm.

Respectfully submitted,  
Susan Wagar

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DRAFT



# Data Dashboard 2024-25

Bi-Annual Instruction &

## Culture Scorecard

	Lower Elementary	Upper Elementary	Middle School	High School
Instruction	Reading	Reading	Reading	Reading
	<p><b><u>5-Year KPI</u></b> 70% Star SGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 67% Star SGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 69% Star SGP 50+</p>	<p><b><u>5-Year KPI</u></b> 70% Star SGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 60% Star SGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 65% Star SGP 50+</p>	<p><b><u>5-Year KPI</u></b> 65% MAP CGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 42% CGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 46% CGP 50+</p>	<p><b><u>5-Year KPI</u></b> 65% MAP CGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 42% CGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 55% CGP 50+</p>
	Math	Math	Math	Math
	<p><b><u>5-Year KPI</u></b> 70% Star SGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 46% Star SGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 56% Star SGP 50+</p>	<p><b><u>5-Year KPI</u></b> 70% Star SGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 56% Star SGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 60% Star SGP 50+</p>	<p><b><u>5-Year KPI</u></b> 65% MAP CGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 61% CGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 64% CGP 50+</p>	<p><b><u>5-Year KPI</u></b> 65% MAP CGP 50+</p> <p><b><u>23-24 Year-End Actual</u></b> 42% CGP 50+</p> <p><b><u>24-25 Year-End Target</u></b> 45% CGP 50+</p>

<b>Culture</b>	<b>Student Experience</b>	<b>Student Experience</b>	<b>Student Experience</b>	<b>Student Experience</b>
	<p><b><u>5-Year KPI</u></b> 4 PBL Units Per Year</p> <p><b><u>23-24 Year-End Actual</u></b> Kinder – 0 Units 1<sup>st</sup> – 2 Units 2<sup>nd</sup> – 2 Units</p> <p><b><u>24-25 Year-End Target</u></b> Kinder – 1 Unit 1<sup>st</sup> – 3 Units 2<sup>nd</sup> – 4 Units</p>	<p><b><u>5-Year KPI</u></b> 4 PBL Units Per Year</p> <p><b><u>23-24 Year-End Actual</u></b> Units Complete in All Grades</p> <p><b><u>24-25 Year-End Target</u></b> Units Complete in All Grades w/ Accompanying Culminating Experiences</p>	<p><b><u>5-Year KPI</u></b> Documenting Academic Growth</p> <p><b><u>23-24 Year-End Actual</u></b> 86% Reported Belonging</p> <p><b><u>24-25 Year-End Target</u></b> 85% of Students Will Use Their Leadership Notebooks to Drive a Student-Led Conference</p>	<p><b><u>5-Year KPI</u></b> Hone Academic Skills Along w/ Intrapersonal, Social, and Leadership Skills</p> <p><b><u>23-24 Year-End Actual</u></b> 80% of Students Attended at Least One Activity</p> <p><b><u>24-25 Year-End Target</u></b> All 9<sup>th</sup> &amp; 12<sup>th</sup> Grade Students Will Develop a Graduation Portfolio</p>
	<b>Personal Leadership Development</b>	<b>Personal Leadership Development</b>	<b>Personal Leadership Development</b>	<b>Personal Leadership Development</b>
	<p><b><u>5-Year KPI</u></b> Complete Curriculum &amp; Leadership Notebooks</p> <p><b><u>23-24 Year-End Actual</u></b> Curriculum Completed, Leadership Notebooks, Conferences, Student-Led Awards</p> <p><b><u>24-25 Year-End Target</u></b> Maintain Practices &amp; Deepen Participation</p>	<p><b><u>5-Year KPI</u></b> Complete Curriculum &amp; Leadership Notebooks</p> <p><b><u>23-24 Year-End Actual</u></b> Proactive Corners &amp; Circles, Wildcat Weekly News, Student-Led Awards</p> <p><b><u>24-25 Year-End Target</u></b> Maintain Practices &amp; Deepen Participation</p>	<p><b><u>5-Year KPI</u></b> Documenting Personal Growth</p> <p><b><u>23-24 Year-End Actual</u></b> 94% Contribute</p> <p><b><u>24-25 Year-End Target</u></b> 85% of Students Will Demonstrate Growth in SEL Topics</p>	<p><b><u>5-Year KPI</u></b> Implement High Quality Advisory Structure</p> <p><b><u>23-24 Year-End Actual</u></b> Introduction of Sources of Strength Program</p> <p><b><u>24-25 Year-End Target</u></b> All 9<sup>th</sup> Grade Students Will Participate in Freshman Seminar</p>



# Data Dashboard 2024-25

Bi-

## Annual Finance & Operations Scorecard

	Staff Compensation	Staff Demographics	Financial Compliance	Long-Term Planning
Finance	<p><b>Average Teacher Pay Increase of at Least \$1500 Annually</b> (2021-2026)</p> <p><b>24-25 Target</b> Maintain Practices (<i>\$2000 increase in 23-24</i>)</p> <p><b>Provide Annual Pay Increases for Returning Support Staff of at Least 2.5%</b></p> <p><b>24-25 Target</b> Maintain Practices (<i>5+% achieved in 23-24</i>)</p>	<p><b>Pursue Hiring Practices Aimed at Recruiting a Staff Population That More Closely Resembles Student Demographics</b></p> <p><b>24-25 Target</b> Maintain Practices</p>	<p><b>Financial Transparency Act Requirements Met</b> <a href="#">Click here for details</a></p> <p><b>24-25 Target</b> Maintain Practices</p> <p><b>3% TABOR Fully Funded</b></p> <p><b>24-25 Target</b> Maintain Practices</p> <p><b>Cash on Hand Requirements Met</b></p> <p><b>24-25 Target</b> Maintain Practices</p>	<p><b>Complete Annual Review of Facilities Costs</b></p> <p><b>24-25 Target</b> Maintain Practices w/ Eye on Informing Facilities Master Plan</p> <p><b>Complete Twice Annual Facilities Update Report</b></p> <p><b>24-25 Target</b> Maintain Practices w/ Eye on Informing Facilities Master Plan</p>

Operations	Student Enrollment	Student Demographics	Customer Satisfaction	Feedback Pathways
	<p>Meet or Exceed Annual Enrollment Target of 1875 Students PK-12</p> <p><b><u>25-24 Target</u></b> Maintain Practices</p>	<p>Pursue Marketing &amp; Enrollment Practices Aimed at Recruiting A Student Population That More Closely Resembles Local Demographics</p> <p><b><u>24-25 Target</u></b> Maintain Practices</p>	<p>Customer Satisfaction Rating of at Least 4.5 In All Areas of Operational Support</p> <p><b><u>24-25 Target</u></b> Maintain Practices (92% rated 4 or 5 in 23-24)</p>	<p>Provide Formal &amp; Informal Opportunities for Customers to Share Feedback</p> <p><b><u>24-25 Target</u></b> Maintain Practices</p>
Governance	Tracking Strategic Initiatives	Board Self-Evaluation	Board Representation	Board Succession Plan
	<p>Develop &amp; Track A Bi-Annual Scorecard to Monitor Strategic Initiatives</p> <p><b><u>24-25 Target</u></b> Maintain Practices</p>	<p>Complete Annual Board Self-Evaluation &amp; Set Related Goals for Improvement</p> <p><b><u>24-25 Target</u></b> Maintain Practices &amp; Consider Updating Self-Evaluation Tool</p>	<p>Recruit Board Membership That Better Reflects the Demographics of the Overall School Community</p> <p><b><u>24-25 Target</u></b> Maintain Practices</p>	<p>Develop &amp; Maintain A Rolling Three-Year Succession Plan</p> <p><b><u>24-25 Target</u></b> Maintain Practices</p>

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**THE ACADEMY  
BOARD OF DIRECTORS RESOLUTION**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ACADEMY DECLARING ITS OFFICIAL INTENT TO REIMBURSE ITSELF WITH THE PROCEEDS OF LEASE PURCHASE FINANCING FOR CERTAIN CAPITAL EXPENDITURES UNDERTAKEN OR TO BE UNDERTAKEN BY THE CHARTER SCHOOL, IDENTIFYING SAID CAPITAL EXPENDITURES, AND PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

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WHEREAS, The Academy (the “Charter School”) is a Colorado nonprofit corporation and a charter school authorized by the Colorado Charter School Institute (the “Charter Authorizer”) pursuant to the Constitution and the laws of the State of Colorado, particularly the Charter Schools Act, Article 30.5 of Title 22 of the Colorado Revised Statutes, as amended (the “C.R.S.”), and the terms and provisions of the Charter School Contract (the “Charter”) between the Charter Authorizer and the Charter School with requisite corporate power to own and operate educational and administrative facilities and to carry on its business as presently being conducted; and

WHEREAS, the Board of Directors of the Charter School (the “Board”) has determined that it is in the best interest of the Charter School to make certain capital expenditures relating to the acquisition, construction, and improvement of school facilities to be located at 11800 Lowell Boulevard, Westminster, Colorado 80031 in Adams County, Colorado and 12161 Park Centre Drive, Westminster, Colorado 80234 in Adams County, Colorado (collectively the “Project”); and

WHEREAS, the Board currently intends and reasonably expects, in the future, to participate in tax-exempt lease-purchase financing for an amount not to exceed \$22,000,000.00 through a conduit issuer, such as the Colorado Educational and Cultural Facilities Authority, including an amount that is currently estimated not to exceed \$50,000,000.00 (the “Advanced Amount”), to reimburse the Charter School for all or a portion of such capital expenditures incurred or to be incurred subsequent to a period commencing 60 days prior to the date hereof, and ending prior to the latter of 18 months of the date of such capital expenditures or the placing in service of the Project (but in no event more than three years after the date of the original expenditure of such money); and

WHEREAS, the Board hereby desires to declare its official intent, pursuant to 26 C.F.R. § 1.150-2, to reimburse the Charter School for such capital expenditures with the proceeds of the lease-purchase financing through a conduit issuer.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CHARTER SCHOOL:



Section 1. ***Declaration of Official Intent.*** The Charter School presently intends and reasonably expects to initially finance all or a portion of the Project with legally available funds.

Section 2. ***Dates of Capital Expenditures.*** All of the capital expenditures covered by this Resolution were or will be made on and after the date which is 60 days prior (or as far back as permitted by law) to the effective date of this Resolution.

Section 3. ***Lease-Purchase Financing.*** The Charter School presently intends and reasonably expects to participate in lease-purchase financing within 18 months of the date of the expenditure of money on the Project or the date upon which the Project is placed in service, whichever is later (but in no event more than three years after the date of the original expenditure of such money), and to allocate from said financing an amount not to exceed the Advanced Amount to reimburse the Charter School for its expenditures in connection with the Project.

Section 4. ***Confirmation of Prior Acts.*** All prior acts and doings of the officials, agents, and employees of the Charter School, which conform with the purpose and intent of this Resolution and in furtherance of the Project, shall be and the same hereby is in all respects ratified, approved, and confirmed.

Section 5. ***Invalidity of a Portion.*** If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this resolution.

Section 6. ***Repealer.*** All bylaws, orders, and resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution, or part thereof.

Section 7. ***Effective Date of Resolution.*** This Resolution shall take effect immediately upon its passage.

<Roll call information and signatures on the following page.>

We, the undersigned, hereby certify that the preceding Resolution was duly adopted by The Academy Board on August 26, 2024, and that the roll call vote information below is correct.

**Roll Call Vote:**

<b>Board Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:

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## Use of Physical Intervention, Restraint, & Seclusion Policy

### PURPOSE

To maintain a safe learning environment, trained school employees may, within the scope of their employment and consistent with state law, use physical intervention and restraint with students in accordance with this policy. Such actions shall not be considered child abuse or corporal punishment if performed by trained employees in good faith and in compliance with this policy and accompanying regulation. This policy applies to incidents that occur on school property or at an off-campus, school-sponsored event or activity.

### DEFINITIONS

In accordance with state law and the State Board of Education rules governing the Administration of the Protection of Persons from Restraint Act (1 CCR 301-45), the following definitions apply for purposes of this policy.

1. "Bodily injury" means physical pain, illness or any impairment of physical or mental condition as defined in C.R.S. 18-1-901(3)(c).
2. "Complaint" means a signed, written document alleging that there has been a misuse of the use of restraints or seclusion on a student.
3. "Corporal Punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a child. It does not include:
  - a. An amount of force that is reasonable and necessary to quell a disturbance that threatens physical injury to persons or damage to property, necessary for purposes of self-defense, or used to obtain possession of a weapon or other dangerous object within the control of a child; or
  - b. Physical pain or discomfort caused by athletic competition or other similar physical activity in which a child is voluntarily engaged.
4. "Deadly Weapon" means a firearm, whether loaded or unloaded; a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.
5. "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to cause such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property. However, if property damage might be involved, restraint or seclusion may only be used when the destruction of property could possibly result in bodily harm to the individual or another person.

6. "Parent" shall be as defined by 1 CCR 301-45.
7. "Positional Asphyxia" means an insufficient intake of oxygen as a result of a body position that interferes with one's ability to breathe.
8. "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, and chemicals.
  - a. "Chemical restraint" means administering medication to a student (including medications prescribed by the student's physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical restraint" does not include:
    - i. Prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g. Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or
    - ii. The administration of medication for voluntary or life-saving medical procedures (e.g. EpiPens, Diastat).
  - b. "Mechanical restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of the student's body. "Mechanical restraint" does not include:
    - i. Devices recommended by a physician, occupational therapist or physical therapist and agreed to by a student's IEP team or Section 504 team and used in accordance with the student's Individualized Education Program (IEP) or Section 504 plan;
    - ii. Protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 plan; or
    - iii. Adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 plan; or
    - iv. Positioning or securing devices used to allow treatment of a student's medical needs.
  - c. "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement for one minute or more. "Physical restraint" does not include:
    - i. A physical intervention with a student or holding of a student in a position other than a prone position for less than one minute by a staff person for the protection of the student or others or to prevent or stop the destruction of property
    - ii. Brief holding of a student by one adult for the purpose of calming or comforting the student, not to include holding a student in a prone position;
    - iii. Minimal physical contact for the purpose of safely escorting a student from one area to another; or
    - iv. Minimal physical contact for the purpose of assisting the student in completing a task or response.
  - d. "Prone position" means a face-down position.
  - e. "Prone Restraint" means a restraint in which the individual who is being restrained is secured in a prone position.
9. "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:

- a. Placement of a student in residential services in the student's room for the night; or
- b. "Time-out", which is the removal of a student from potentially rewarding people or situations. A time-out is not used primarily to confine the student, but to limit accessibility to reinforcement. In time-out, the student is not physically prevented from leaving the designated time-out area. Such a time-out requires effective monitoring by staff.

10. "School Day" means any day or partial day that students are in attendance at the public education programs, agencies or services or sponsored events.

### **APPLICABILITY**

The requirements of this policy shall apply to all school personnel, before and after school providers, and any public or private entities with which the school contracts during any and all educational programs, activities, or events provided, supervised, or sponsored by the school, including off-campus school-sponsored events.

### **BASIS FOR USE OF PHYSICAL INTERVENTION**

Corporal punishment shall not be administered to any student by any school employee. Within the scope of their employment, trained school employees may use reasonable and appropriate physical intervention with a student, that does not constitute restraint as defined by this policy, to accomplish the following:

- To quell a disturbance threatening physical injury to the student or others, or damage to property;
- For the purposes of self-defense; and
- To obtain possession of weapons or other dangerous objects within the control of the student.

Under no circumstance shall a student be physically held for more than one minute unless the provisions regarding restraint contained in this policy are followed.

### **BASIS FOR USE OF RESTRAINT & SECLUSION**

Restraints and seclusion shall only be used:

1. In an emergency and with extreme caution; and
2. After:
  - a. The failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
  - b. A determination that such alternatives would be inappropriate or ineffective under the circumstances.
3. Restraint or seclusion must not be used as a form of discipline or to gain compliance from a student.
4. School personnel shall:
  - a. Use restraints and seclusion only for the period of time necessary and using no more force than necessary; and
  - b. Prioritize the prevention of harm to the student.

## **DUTIES RELATED TO THE USE OF RESTRAINT & SECLUSION – GENERAL REQUIREMENTS**

When restraints, including seclusion, are used, the school shall ensure that:

1. No restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
2. No restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;
3. Restraints are only administered by staff who have received training in accordance with 1 CCR 301-45;
4. Opportunities to have the restraint removed are provided to the student who indicates he/she is willing to cease the violent or dangerous behavior;
5. When it is determined by trained school personnel that the restraint is no longer necessary to protect the student or others (i.e. the emergency no longer exists), the restraint shall be removed. In the case of seclusion, staff must reintegrate the student or clearly communicate to the student that the student is free to leave the area used to seclude the student;
6. The student is reasonably monitored to ensure the student's physical safety; and
7. A school resource officer or a law enforcement officer acting in the officer's official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall not use handcuffs on any student, unless there is a danger to themselves or others or handcuffs are used during a custodial arrest that requires transport.

## **PROPER ADMINISTRATION OF SPECIFIC RESTRAINTS**

1. Chemical Restraints shall not be used.
2. Mechanical restraints shall not be used, except:
  - a. When the student is openly displaying a deadly weapon;
  - b. When used by armed security officers or certified peace officers employed by the school who have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds and who have made a referral to a law enforcement agency.
3. Physical Restraint shall only be used in accordance with the following:
  - a. A person administering the physical restraint shall only use the amount of force necessary to stop the dangerous or violent actions of the student;
  - b. A restrained student must be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised; and
  - c. A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.
4. Prone restraint shall not be used by the school except:
  - a. When the student is openly displaying a deadly weapon;
  - b. When used by armed security officers or certified peace officers employed by the school who have received documented training in defensive tactics utilizing handcuffing

procedures and restraint tactics utilizing prone holds and who have made a referral to a law enforcement agency.

5. Seclusion shall only be used in accordance with the following;
  - a. Relief periods from seclusion shall be provided for reasonable access to toilet facilities;
  - b. Any space in which a student is secluded shall have adequate lighting, ventilation and size. To the extent possible under the specific circumstances, the space should be free of injurious items.
  - c. If the school uses a seclusion room, there must be at least one window for monitoring when the door is closed. If a window is not feasible, monitoring must be possible through a video camera. A student placed in a seclusion room must be continually monitored. The room must be a safe space free of injurious items. The seclusion room must not be a room that is used by school staff for storage, custodial, or office space.

## **STAFF TRAINING**

1. The School shall ensure that staff utilizing restraint or seclusion are trained in accordance with 1 CCR 301-45.
2. Training shall include:
  - a. A continuum of prevention techniques; environmental management;
  - b. A continuum of de-escalation techniques;
  - c. Nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;
  - d. Methods to explain the use of restraint or seclusion to the student who is to be restrained and to the student's family;
  - e. Appropriate documentation and notification procedures, including monitoring and recording the time duration of a restraint or seclusion; and
  - f. Retraining shall occur at a frequency of at least every two years.

## **DOCUMENTATION, NOTIFICATION, & INDIVIDUAL REVIEW REQUIREMENTS**

1. If there is a reasonable probability that restraint or seclusion might be used with a particular student, designated appropriate school personnel shall notify, in writing, the student's parents, and, if appropriate, the student of:
  - a. The restraint or seclusion procedures (including types of restraints) that might be used;
  - b. Specific circumstances in which restraint or seclusion might be used; and
  - c. Staff involved.
2. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel shall ensure that the meeting is convened. The required notification may occur at the meeting where the student's behavior plan or IEP is developed or reviewed.
3. The school will have procedures to require that the use of restraint or seclusion is documented in the record of the student that was restrained or secluded.
4. If any type of restraint or seclusion is used by any school employee, the employee must provide notice to their school or administration as soon as possible to ensure that the Parent is notified the same day as the use of the restraint or seclusion. The employee must submit a written report within one (1) school day to the school administration or designee.

5. For any type of restraint on a student or for the use of seclusion, the school principal or designee shall verbally or in writing notify the Parent or Guardian as soon as possible but no later than the end of day that a restraint or seclusion was used. Additional communication and documentation requirements are listed below depending on the duration of the restraint.
  - a. For a physical restraint on a student that lasts one minute or more but less than five minutes, a Parent or Guardian must be notified in writing on the day of the physical restraint in addition to a verbal notification. The written notice must include the date, the student's name, and the number of physical restraints that day that lasted one minute or more but less than five minutes. If there were multiple physical restraints on that day and one restraint lasted five minutes or more, the Parent shall be informed that they will receive a more detailed written report regarding the longer physical restraint(s) within five calendar days.
  - b. When an employee uses a restraint on a student that lasts five minutes or more, the school administration shall complete a written report regarding the incident. The school administration shall mail, fax, or email a written report of the incident to the Parent or Guardian of the student no more than five calendar days after the use of the restraint on the student. This applies to employees when they use any type of restraint. The written report must include:
    - a. The antecedent to the student's behavior if known;
    - b. A description of the incident;
    - c. Efforts made to deescalate the situation;
    - d. Alternatives that were attempted;
    - e. The type and duration of the restraint used;
    - f. Injuries that occurred, if any; and
    - g. The staff present and staff involved in administering the restraint.

A copy of the written report on the use of restraint shall be placed in the student's confidential file.

6. When administration completes the written report, the administration or their designee should also conduct a review of the incident to assure that appropriate procedures were followed and to minimize the future use of restraint when possible. The review shall include, but is not limited to:
  - a. Ensuring follow up communication with the student and the student's Parent or Guardian ;
  - b. Considering whether there were alternative strategies that could have been used; and
  - c. Recommending for adjustment of procedures, if appropriate.

If requested by the school or the student's Parent or Guardians, the school shall convene a meeting to review the incident. For students with IEPs or Section 504 plans, such review may occur through the IEP or Section 504 process.

#### **ANNUAL REVIEW OF THE USE OF RESTRAINT**

1. The School shall ensure that a formal review process is established for the appropriate use of restraint, shall conduct the review process at least annually, and shall document the results of the review process in an Annual Restraint Review Report. The purpose of the general review is to ascertain that the School is properly administering restraint, identifying additional training



needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff.

2. The review shall include, but is not limited to:
  - a. Analyzing incident reports, including procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
  - b. Considering the training needs of staff;
  - c. Reviewing the staff to student ratios; and
  - d. Reviewing environmental conditions, including physical space, student seating arrangements and noise levels.
3. In a written Annual Restraint Review Report the school will:
  - a. Document the number of students restrained in a year and the total number of restraints in a year. For physical restraints, the report will include: 1) the total number of physical restraints lasting one or more but less than five minutes, 2) the total number of restraints lasting five minutes or more, 3) the number of students who experienced at least one restraint lasting from 1 to 4:59 minutes, and 4) the number of students who experienced at least one restraint lasting five minutes or more. The report will also include differentiated information for mechanical and prone restraints, if any, that were administered by law enforcement or school resource officers,
  - b. Track its own restraints.
  - c. Include an analysis of the data and records reviewed. Without revealing any confidential student data, the School may also include the context for when and why restraints may be necessary to protect students from self-harm or from harming other students or staff.
4. By June 30 of each year, the school will submit the Annual Restraint Review Report from the annual review conducted to the Colorado Department of Education in accordance with 1 CCR 301-45-2.05(5). A member of the public can request any Annual Restraint Review Report by emailing [cde\\_communications\\_office@cde.state.co.us](mailto:cde_communications_office@cde.state.co.us).

## **EXCEPTIONS**

The provisions of this policy shall not apply to Peace Officers who are acting in the scope of their employment or in accordance with Section 16-3-109, C.R.S. or to any public education agency while engaged in transporting a student from one facility to another facility or location when it is within the scope of the agency's powers and authority to effect such transportation

## **COMPLAINTS**

A student or a parent or legal guardian may file a complaint about the use of restraint or seclusion used by an employee or volunteer of the school utilizing the school's Grievance Policy and/or the state complaint procedures established pursuant to 1 CCR 301-45.

**Adopted: August 26, 2024**

## **LEGAL REFS.:**

- C.R.S. § 18-1-703 (use of physical force by those supervising minors)
- C.R.S. § 18-1-901(3)(e)(definition of a deadly weapon)
- C.R.S. § 18-6-401 (1) (definition of child abuse)
- C.R.S. § 19-1-103 (1) (definition of abuse and neglect)

C.R.S. 22-1-140 (corporal punishment prohibited – definition)  
C.R.S. § 22-32-109.1 (2)(a) (adoption and enforcement of discipline code)  
C.R.S. § 22-32-109.1 (2)(a)(I)(D) (policy required as part of safe schools plan)  
C.R.S. § 22-32-109.1 (2)(a)(I)(L) (policies for use of restraint and seclusion on students and information on process for filing a complaint regarding the use of restraint or seclusion shall be included in student conduct and discipline code)  
C.R.S. § 22-32-109.1 (9) (immunity provisions in safe schools law)  
C.R.S. § 22-32-147 (use of restraints on students)  
C.R.S. § 26-20-101 et seq. (Protection of Persons from Restraint Act)  
1 CCR 301-45 (State Board of Education rules for the Administration of the Protection of Persons from Restraint Act)

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## STUDENT DATA TRANSPARENCY AND SECURITY POLICY

**Mission Statement:** The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character and relationships.

The Academy is committed to protecting the confidentiality of student information obtained, created, and/or maintained by the school. Student privacy and the school's use of confidential student information are protected by federal and state laws, including the Family Educational Rights and Privacy Act (FERPA) and the Student Data Transparency and Security Act (the Act). The Academy will manage its student data privacy, protection, and security obligations in accordance with this policy and applicable law.

### **Definitions**

"Student education records" are those records that relate directly to a student. Student education records may contain, but not necessarily be limited to, the following information: identifying data; academic work completed; level of achievement (grades, standardized achievement test scores); attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health and medical information; family background information; teacher or counselor ratings and observations; reports of serious or recurrent behavior patterns; and any Individualized Education Program (IEP).

"Student personally identifiable information" or "student PW" means information that, alone or in combination, personally identifies an individual student or the student's parent or family, and that is collected, maintained, generated, or inferred by The Academy, either directly or through a school service, or by a school service contract provider or school service on-demand provider.

"Security breach" means the unauthorized disclosure of student education records or student PI' by a third party.

The following terms used in this policy shall be as defined by the Act: "school service," "school service contract provided" and "school service on-demand provider."

### **Directory Information**

The term "directory information" is used for the portion of the education record that, if disclosed, would not generally be considered harmful or an invasion of privacy (34 CFR § 99.3). This may include the student's name, grade, participation in sports or activities, date and place of birth, honors and awards, and dates of attendance.

Schools that disclose directory information must give "public notice" of this policy and explain what is included in such information. The notice must also indicate that parents may refuse to allow the school to designate any, or all, of their child's record as directory information.

### **Access, Collection and Sharing Within The Academy**

The Academy shall follow applicable law in the access to, collection of, and sharing of student education records.

The Academy staff members shall ensure that confidential information in student education records is disclosed within the school only to officials who have a legitimate educational interest, in accordance with applicable law.

Appropriate Academy staff members shall be required to sign and comply with the school's agreement (The Academy Privacy and Protection of Confidential Student Information Acknowledgement Form — to be developed) concerning the protection of confidential student information, which describes the appropriate uses and safeguarding of student education records.

### **Contract Providers, On-Demand Providers, or Other Third Parties**

Academy staff members shall ensure that student education records are disclosed to persons and organizations outside the school only as authorized by applicable law and Academy policy. The term , 'organizations outside the school' includes school service on-demand providers and school service contract providers. Acquisition and use of any third-party apps and services that use student data in any capacity must be pre-approved by the Academy. Staff must follow the procedure to secure approval before using the contract provider or on demand provider. The Academy will identify specific programs or apps that are approved for school and teacher use and make that list available on the Academy Website.

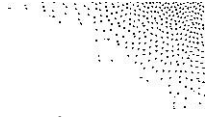
Any contract between The Academy and a school service contract provider shall include the provisions required by the Act, including provisions that require the school service contract provider to safeguard the privacy and security of student PII and impose penalties on the school service contract provider for noncompliance with the contract.

In accordance with the Act, The Academy shall post the following on its website: .

a list of the school service contract providers that it contracts with and a copy of each contract; clear explanation of the student PII Colorado Department of Education (CDE) collects to the extent practicable, a list of the school service on-demand providers that the network uses

- Privacy and security standards
- CDE data inventory index
- The security of student education records maintained by the school is a high priority. Security
- breach or other unauthorized disclosure

Staff members who disclose student education records in a manner inconsistent with applicable law and Academy policy may be subject to disciplinary action, up to and including termination



from employment. Any discipline imposed shall be in accordance with applicable law and Academy policy.

Employee concerns about a possible security breach shall be reported immediately to the Chief Finance and Operations Officer (COO). If the COO is the person alleged to be responsible for the security breach, the staff member shall report the concern directly to the Chief Executive Officer (CEO).

When the school determines that a school service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student PI', The Academy shall follow this policy's accompanying regulation in addressing the material breach.

Nothing in this policy or its accompanying regulation shall prohibit or restrict The Academy from terminating its contract with the school service contract provider, as deemed appropriate by the school and in accordance with the contract and the Act.

### **Data Retention and Destruction**

The Academy shall retain and destroy student education records in accordance with applicable law and Academy policy.

### **Staff Training**

The Academy shall provide periodic in-service trainings to appropriate staff members to inform them of their obligations under applicable law and school policy concerning the confidentiality of student education records.

### **Parent/Guardian Complaints**

In accordance with this policy's accompanying regulation, a parent/guardian of an Academy student may file a written complaint with the COO if the parent/guardian believes the school has failed to comply with the Act.

### **Parent/Guardian Requests to Amend Student Education Records**

Parent/guardian requests to amend his or her child's education records shall be in accordance with The Academy's procedures governing access to and amendment of student education records under FERPA, applicable state law and Academy policy.

### **Oversight and Review**

The CEO or designee shall be responsible for ensuring compliance with this policy and its required privacy and security standards.

The CEO or designee shall annually review this policy and accompanying regulation to ensure it remains current and adequate to protect the confidentiality of student education records in light of advances in data technology and dissemination. The CEO or designee shall recommend revisions of this policy and/or accompanying regulation as deemed appropriate or necessary to

The Academy Board of Directors. The Academy Board will annually review and approve this policy at the regularly scheduled August Board meeting.

### **Compliance with Governing Law and Governing Board Policy**

The Academy shall comply with FERPA and its regulations, the Act, and other state and federal laws governing the confidentiality of student education records. The school shall be entitled to take all actions and exercise all options authorized under the law. In the event this policy or accompanying regulation does not address a provision in applicable state or federal law, or is inconsistent with or in conflict with applicable state or federal law, the provisions of applicable state or federal law shall control.

### **Photographs and Media Release**

Students may occasionally appear in photographs and videos taken by Academy staff members, other students, or other individuals authorized by the CEO or other Academy staff members. The Academy may use these pictures, without identifying the student, in various publications, including but not limited to, the school yearbook, social media, school newspaper, and school website. No consent or notice is needed or will be given before The Academy uses pictures of unnamed students taken while they are at school or a school-related activity.

Many times, however, The Academy will want to identify a student in a school picture. Academy staff may want to acknowledge those students who participate in a school activity or deserve special recognition. In order for The Academy to publish a picture with a student identified by name in any school-sponsored material, including yearbook, one of the student's parents or guardians must sign a consent form. Granting consent allows The Academy to publish and otherwise use photographs and videos, with the child identified, while he or she is enrolled at The Academy. This consent is valid for one year and may be revoked at any time by notifying the student's Level Principal or the Academy CEO.

FERPA is not the only statute that limits what providers can do with student information. The Protection of Pupil Rights Amendment (PPRA) provides parents with certain rights with regard to some marketing activities in schools. Specifically, PPRA requires that a school district must, with exceptions, directly notify parents of students who are scheduled to participate in activities involving the collection, disclosure, or use of personal information collected from students for marketing purposes, or to sell or otherwise provide that information to others for marketing purposes, and to give parents the opportunity to opt-out of these activities. While FERPA protects PII from education records maintained by a school or district, PPRA is invoked when personal information is collected from the student.

## **Hearing and Complaint Procedures**

### **Contract Breach by School Service Contract Provider**

Within a reasonable amount of time after The Academy determines that a service contract provider has committed a material breach of its contract with the school, and that such material breach involves the misuse or unauthorized release of student personally identifiable

information (PI'), the CEO or designee shall make a decision regarding whether to terminate the school's contract with the service contract provider in accordance with the following procedure.

The school shall notify the service contract provider of the basis for its determination that the service contract provider has committed a material breach of the contract and that the CEO is investigating the material breach.

The service contract provider may submit a written response to the CEO regarding the material breach.

The CEO will review the nature of the material breach and any response submitted by the service contract provider.

The CEO shall decide whether to terminate the contract with the service contract provider within 30 days of the start of the investigation and shall notify the service contract provider of its decision. The CEO's decision shall be final.

### **Parent/Guardian Complaints**

In accordance with this policy, the parent/guardian of an Academy student may file a written complaint with the COO if the parent/guardian believes the school has failed to comply with the Student Data Transparency and Security Act (the Act).

The parent/guardian's complaint shall state with specificity each of the Act's requirements that the parent/guardian believes the school has violated and its impact on his or her child. The COO will review the complaint and present all applicable information to the CEO. The CEO or designee shall respond to the parent/guardian's written complaint within 30 calendar days of receiving the complaint.

Within 10 calendar days of receipt of the school's response, the parent/guardian may appeal to The Academy Governing Board. Such appeal must be in writing and submitted to the CEO or designee.

The Academy Governing Board shall review the parent's complaint and the CEO's response at a regular or special meeting. A school representative and the parent/guardian may make brief statements to the Board, but no new evidence or claims may be presented. The Board may choose to conduct the appeal in executive session, to the extent permitted by law.

The Board shall make a determination regarding the parent/guardian's complaint that the school failed to comply with the Act within 60 days of the Board meeting. The decision of the Board shall be final. This procedure shall not apply to parent/guardian concerns with his or her child's education records. If the parent/guardian files a complaint regarding his or her child's education records, the school shall follow its procedures governing access to and review of student education records, in accordance with FERPA, applicable state law and Academy policy.

## Governing Board Policy

Nothing contained herein shall be interpreted to confer upon any person the right to a hearing independent of an Academy Board Policy, administrative procedure, statute, rule, regulation or agreement expressly conferring such right. The complaint and hearing procedures described in this regulation shall apply, unless the context otherwise requires and/or unless the requirements of another policy, procedure, statute, rule, regulation or agreement expressly contradicts any of these procedures, in which event the terms of the contrary policy, procedure, law, rule, regulation or agreement shall govern.

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POLICY HISTORY

This policy supersedes any previously existing policy of The Academy of Charter Schools pertaining to the content herein.



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Board Chair Signature:

- 15 U.S.C, 6501 et seq. (Children's Online Privacy Protection Act)
- 20 U. S.C. 1232g (Family Educational Rights and Privacy Act)
- 20 U.S.C. 1232h (Protection of Pupil Rights Amendment)
- 20 U.S.C. 1415 (IDEIA procedural safeguards, including parent right to access student records)
- 20 U. S.C. 8025 (access to student information by military recruiters)
- 34 C.F.R. 99, 1 et seq. (FERPA regulations)
- 34 C.F.R. 300.610 et seq. (IDEIA regulations concerning confidentiality of student education records)
- C.R.S. 19-1-303 and 304 (records and information sharing under Colorado Children's Code)
- C.R.S. 22-1-123 (district shall comply with FERPA and federal law on protection of pupil rights)
- C.R.S. 22-16-101 et seq. (Student Data Transparency and Security Act)
- C.R.S. 22-16-107 (2)(a) (policy required regarding public hearing to discuss a material breach of contract by school service contract provider)
- C.R.S. 22-16-107 (4) (policy required regarding student information privacy and protection)
- C.R.S. 22-16-112 (2)(a) (policy required concerning parent complaints and opportunity for hearing)
- C. R. S. 24-72-204 (3)(a)(VI) (schools cannot disclose student address and phone number without consent)
- C.R.S. 24-72-204 (3)(d) (information to military recruiters)
- C.R.S. 24-72-204 (certain FERPA provisions enacted into Colorado Law)
- C.R.S. 24-72-204 (3)(e)(II) (disclosure by staff of information gained through personal knowledge or observation)
- C.R S. 24-80-101 et seq. (State Archives and Public Records Act)
- C.R.S. 25.5-1-116 (confidentiality of HCPF records)

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